

# 2008

# ILLINOIS

# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



Volume 32, Issue 47  
November 21, 2008  
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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.].

### 2008 REGISTER SCHEDULE VOLUME #32

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 21, 2007*	January 4, 2008
2	December 31, 2007	January 11, 2008
3	January 7, 2008	January 18, 2008
4	January 14, 2008	January 25, 2008
5	January 22, 2008	February 1, 2008
6	January 28, 2008	February 8, 2008
7	February 4, 2008	February 15, 2008
8	February 11, 2008	February 22, 2008
9	February 19, 2008	February 29, 2008
10	February 25, 2008	March 7, 2008
11	March 3, 2008	March 14, 2008
12	March 10, 2008	March 21, 2008
13	March 17, 2008	March 28, 2008
14	March 24, 2008	April 4, 2008
15	March 31, 2008	April 11, 2008
16	April 7, 2008	April 18, 2008
17	April 14, 2008	April 25, 2008
18	April 21, 2008	May 2, 2008
19	April 28, 2008	May 9, 2008
20	May 5, 2008	May 16, 2008
21	May 12, 2008	May 23, 2008
22	May 19, 2008	May 30, 2008
23	May 27, 2008	June 6, 2008

24	June 2, 2008	June 13, 2008
25	June 9, 2008	June 20, 2008
26	June 16, 2008	June 27, 2008
27	June 23, 2008	July 7, 2008
28	June 30, 2008	July 11, 2008
29	July 7, 2008	July 18, 2008
30	July 14, 2008	July 25, 2008
31	July 21, 2008	August 1, 2008
32	July 28, 2008	August 8, 2008
33	August 4, 2008	August 15, 2008
34	August 11, 2008	August 22, 2008
35	August 18, 2008	August 29, 2008
36	August 25, 2008	September 5, 2008
37	September 2, 2008	September 12, 2008
38	September 8, 2008	September 19, 2008
39	September 15, 2008	September 26, 2008
40	September 22, 2008	October 3, 2008
41	September 29, 2008	October 10, 2008
42	October 6, 2008	October 17, 2008
43	October 14, 2008	October 24, 2008
44	October 20, 2008	October 31, 2008
45	October 27, 2008	November 7, 2008
46	November 3, 2008	November 14, 2008
47	November 10, 2008	November 21, 2008
48	November 17, 2008	December 1, 2008
49	November 24, 2008	December 5, 2008
50	December 1, 2008	December 12, 2008
51	December 8, 2008	December 19, 2008
52	December 15, 2008	December 26, 2008
53	December 22, 2008	January 2, 2009

Editor's Note: The second filing period for submitting Regulatory Agendas will start October 14, 2008 with the last day to file being January 2, 2009.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Americans with Disabilities Act Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code 175
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
175.10	Amendment
175.20	Amendment
175.30	Amendment
175.40	Amendment
175.50	Amendment
175.60	Amendment
175.70	Amendment
- 4) Statutory Authority: Implementing Title II, Subtitle A of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II regulations (28 CFR 35.107), and authorized by Section 5-10 of the Illinois Administrative Procedure Act (5 ILCS 100)
- 5) A Complete Description of the Subjects and Issues Involved: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the former Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency."
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Kevin McClain  
Chief Legal Counsel  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, Illinois 62704

217/524-0770 (voice)  
217/782-6133 (TDD)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected: The Agency believes that this rulemaking will have no direct impact on small businesses or not-for-profit corporations.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 4: DISCRIMINATION PROCEDURES

CHAPTER IV: ILLINOIS EMERGENCY MANAGEMENT AGENCY~~DEPARTMENT OF~~  
NUCLEAR SAFETY

## PART 175

## AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

## Section

175.10	Purpose
175.20	Definitions
175.30	Procedure
175.40	Designated Coordinator Level
175.50	Final Level
175.60	Accessibility
175.70	Case-by-Case Resolution

AUTHORITY: Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II regulations (28 CFR 35.107), and authorized by Section 5-10 of the Illinois Administrative Procedure Act [5 ILCS 100].

SOURCE: Adopted at 16 Ill. Reg. 9129, effective June 2, 1992; amended at 21 Ill. Reg. 12855, effective September 4, 1997; amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 175.10 Purpose**

- a) This Part establishes an Americans With Disabilities Act (ADA) Grievance Procedure (Procedure) pursuant to the Americans With Disabilities Act of 1990 (42 ~~USCU.S.C.~~ 12101 et seq.), and specifically ~~section~~Section 35.107 of the Title II regulations (28 CFR 35.107) requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Any individual desiring to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, may do so by contacting the Designated Coordinator. This Part shall govern the Illinois Emergency Management Agency (Agency)~~Department of Nuclear Safety (Department)~~ proceedings of any such grievance under the ADA.
- b) In general, the ADA requires that each program, service, and activity offered by the Agency~~Department~~, when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- c) It is the intent of the [AgencyDepartment](#) to foster open communication with all individuals requesting ready access to programs, services and activities. The [AgencyDepartment](#) encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 175.20 Definitions**

"Complainant" is an individual with a disability who files a grievance form provided by the [AgencyDepartment](#) in accordance with this Part.

"Designated Coordinator" is the person appointed by the [AgencyDepartment](#) Director to coordinate the [Agency'sDepartment's](#) efforts to comply with and carry out its responsibilities under Title II of the ADA, including investigation of grievances filed by complainants. [You may contact the Designated Coordinator by calling \(217\)785-9900. The Designated Coordinator for the Department is the Department's Personnel Manager. The Personnel Manager can be contacted at the Department's central office located at 1035 Outer Park Drive, Springfield, Illinois 62704, or by telephone at \(217\) 785-9904 \(voice\) or \(217\) 785-9900 \(TDD\).](#)

"Director" means the Director of the [Illinois Emergency Management AgencyDepartment of Nuclear Safety](#).

"Disability" means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment; or being regarded as having such an impairment.

"Grievance" is any complaint under the ADA by an individual with a disability who meets the essential eligibility requirements for participation in, or receipt of the benefits of, a program, activity or service offered by the [AgencyDepartment](#), and who believes he or she has been excluded from participation in or denied the benefits of any program, service or activity of the [AgencyDepartment](#), or has been subject to discrimination by the [AgencyDepartment](#) in violation of the ADA.

"Qualified individual with a disability" means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

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provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the [AgencyDepartment](#).

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 175.30 Procedure**

- a) Grievances shall be submitted in accordance with the procedures established in Sections 175.40 and 175.50 of this Part, in the form and manner described, and within the specified time limits. Time limits established in this Part are in calendar days, unless otherwise stated, and may be extended by mutual agreement in writing by the complainant and the reviewer at the Designated Coordinator and Final Levels.
- b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure, within the specified time limits, shall mean that the complainant has withdrawn the grievance or has accepted the last response given in the grievance procedure.
- c) The [AgencyDepartment](#) shall, upon being informed of an individual's desire to file a formal grievance, instruct the individual how to receive a copy of this procedure and the grievance form.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 175.40 Designated Coordinator Level**

- a) If an individual desires to file a formal written grievance, the individual shall promptly, but no later than 180 days after the alleged exclusion, denial, or discrimination, submit the grievance to the Designated Coordinator in writing on the grievance form prescribed by the [AgencyDepartment](#) for that purpose.
- b) Upon request by the complainant, the [AgencyDepartment](#) shall provide assistance to the complainant in completing the grievance form.
- c) The Designated Coordinator, or his/her representative, shall investigate the grievance and shall make reasonable efforts to resolve the grievance. Within ~~ten~~ [\(10\)](#) business days after receipt of the grievance form, the Designated Coordinator

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

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shall provide a written response to the complainant and a copy thereof to the Director.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 175.50 Final Level**

- a) If the grievance has not been resolved at the Designated Coordinator Level to the satisfaction of the complainant, the complainant may, within 5 days after receipt by the complainant of the Designated Coordinator's response, submit a copy of the grievance form and Designated Coordinator's written response to the Director of the [Agency Department](#) for final review. The complainant shall submit these documents to the Director, together with a short written statement explaining the [reasonsreason\(s\)](#) for dissatisfaction with the Designated Coordinator's written response.
- b) The complainant shall be afforded an opportunity to appear before the Director or the Director's designee. The complainant shall have a right to appoint a representative to appear on behalf of the complainant. The Director or designee shall review the Designated Coordinator's written response and may conduct interviews and seek advice as the Director or designee deems appropriate.
- c) If the Director appoints a designee for the procedure under subsection (b) of this Section, the designee shall present both his/her findings and the written response of the Designated Coordinator to the Director.
- d) The Director shall approve, disapprove or modify the [recommendationsrecommendation\(s\)](#) of the Designated Coordinator. Within 30 days after receiving the statement of dissatisfaction under subsection (a) of this Section, the Director shall render a decision thereon in writing, stating the basis for the decision and shall cause a copy of the decision to be served on the complainant and Designated Coordinator. If the Director disapproves or modifies the [recommendationsrecommendation\(s\)](#) contained in the written response of the Designated Coordinator, the Director shall include in the written decision reasons for such disapproval or modification. The Director's decision shall be final.
- e) The [Agency Department](#) shall maintain the grievance form, the Designated Coordinator's response, the statement of reasons for dissatisfaction, the findings of the Director's designee, if any, and the Director's written decision in

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

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accordance with the State Records Act [5 ILCS 160] or as otherwise required by law.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 175.60 Accessibility**

The [AgencyDepartment](#) shall ensure that all stages of the grievance procedure are readily accessible to and usable by individuals with disabilities.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 175.70 Case-by-Case Resolution**

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

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Fees for Radioactive Material Licensees and Registrants
- 2) Code Citation: 32 Ill. Adm. Code 331
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
331.10	Amendment
331.30	Amendment
331.110	Amendment
331.115	Amendment
331.120	Amendment
331.125	Repealed
331.130	Amendment
331.200	Amendment
331.310	Amendment
331.APPENDIX E	Amendment
331.APPENDIX F	Amendment
- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40]
- 5) A Complete Description of the Subjects and Issues Involved: Changing all references to "Department" or the "Illinois Department of Nuclear Safety" to "Agency" or "Illinois Emergency Management Agency" pursuant to Executive Order #12, effective July 1, 2003. The Agency no longer has the funding level necessary to monitor and inspect radioactive materials in the State. The Radioactive Materials fees have a significant shortfall; funding only an estimated 60% of their mandated duties and producing a shortfall of approximately \$1million per year. On June 1, 1987, the State of Illinois signed an "Agreement" with the U.S. Nuclear Regulatory Commission (NRC) whereby Illinois assumed regulatory control of radioactive materials within the State that had previously been regulated by the NRC. Illinois, designated as an "Agreement State", administers the program at the State level. As an Agreement State, IEMA/DNS protects the health and safety of Illinois citizens through regulation of individuals, companies and other organizations that use radioactive materials. The Agency classifies approximately 740 specific radioactive materials licenses into almost 50 categories, including materials used in medical diagnosis and treatment, portable gauges used in road construction and lead paint analysis, and other materials used in research, education, industrial and commercial applications. Although the Agency charges fees, in order to cover its cost of licensing and inspecting each of these licensees, the current fee structure has not been increased in 7 years and doesn't cover the costs of operating this program. As noted

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

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above, current fees cover only 60% of the operating costs. Because of this, the Agency is seeking a fee increase through the rulemaking process. The new fee structure will be based on increasing revenues to obtain 100% recovery of expenditures. The fees should be compared to those charged by the U.S. Nuclear Regulatory Commission (NRC) since Illinois is an Agreement State and the Illinois licensees would be subject to the higher NRC fees if Illinois were not an Agreement State. The recommended fees will constitute a significant increase over the existing fees; however, they will still be generally below those charged to NRC licensees under 10 CFR 170 and 171.

- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Kevin T. McClain  
Chief Legal Counsel  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, Illinois 62704

217/524-0770 (voice)  
217/782-6133 (TDD)

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected: Radioactive materials fees will be increased, including medical facilities and various industrial users. Government and educational facilities are exempt from radioactive material fees.
  - 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: These amendments were not listed on previous Regulatory Agendas, as the proposed amendments were not anticipated.

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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 32: ENERGY

## CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY

## SUBCHAPTER b: RADIATION PROTECTION

## PART 331

FEES FOR RADIOACTIVE MATERIAL ~~LICENSES~~LICENSEES AND REGISTRANTS

## Section

331.10	Purpose
331.20	Scope
331.30	Definitions
331.110	Exemptions
331.115	Radioactive Material Recovery and Remediation Fee
331.120	Payment of Fees
331.125	Implementation ( <del>Repealed</del> )
331.130	Refunds of Full Cost Recovery Deposits
331.200	Full Cost Recovery
331.210	Schedule of Fees For Radioactive Material Licenses ( <del>Repealed</del> )
331.310	Failure By Applicant, Registrant or Licensee To Pay Prescribed Fee
331.APPENDIX A	Schedule of License Fees ( <del>Repealed</del> )
331.TABLE A	License Fees – Jan. 1, 1988-Dec. 31, 1988 ( <del>Repealed</del> )
331.TABLE B	License Fees – Jan. 1, 1989-Dec. 31, 1989 ( <del>Repealed</del> )
331.TABLE C	License Fees – Jan. 1, 1990-Dec. 31, 1990 ( <del>Repealed</del> )
331.APPENDIX B	Fee Schedule For Radioactive Material Licenses ( <del>Repealed</del> )
331.APPENDIX C	Fee Schedule For Sealed Source And Device Evaluations ( <del>Repealed</del> )
331.APPENDIX D	Fee Schedule For Radioactive Material Licenses ( <del>Repealed</del> )
331.APPENDIX E	Primary Material Use Categories for Radioactive Material Licensees <del>and Registrants</del>
331.APPENDIX F	Fee Schedule for Radioactive Material <del>Licenses</del> <u>Licenseses and Registrants</u>

AUTHORITY: Implementing and authorized by Section 11 of the Radiation Protection Act of 1990 [420 ILCS 40/11].

SOURCE: Adopted at 10 Ill. Reg. 17239, effective September 25, 1986; amended at 11 Ill. Reg. 20570, effective January 1, 1988; amended at 15 Ill. Reg. 90, effective January 1, 1991; amended at 16 Ill. Reg. 11479, effective July 7, 1992; amended at 18 Ill. Reg. 12131, effective August 1,

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

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1994; emergency amendment at 21 Ill. Reg. 4309, effective March 19, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 10968, effective July 28, 1997; amended at 22 Ill. Reg. 6951, effective April 1, 1998; amended at 23 Ill. Reg. 5585, effective April 23, 1999; amended at 25 Ill. Reg. 8266, effective July 1, 2001; amended at 26 Ill. Reg. 14274, effective September 16, 2002; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 331.10 Purpose**

This Part establishes fees to cover the costs of licensure and inspection of radioactive material licenses, registration of certain types of generally licensed devices, recovery and remediation of radioactive material and evaluation and maintenance of sealed source and device evaluations conducted in support of radioactive material licenses issued by the [Illinois Emergency Management Agency](#). ~~Illinois Department of Nuclear Safety (the Department)~~.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 331.30 Definitions**

The following definitions are applicable for use in this Part only. Additional definitions for use in this Part are located in 32 Ill. Adm. Code 310.20.

"Application" means a request filed with the ~~Agency~~[Department](#) for a license, amendment, termination, renewal, sealed source or device evaluation, amendment to a sealed source or device evaluation or an exemption granted by the ~~Agency~~[Department](#) pursuant to 32 Ill. Adm. Code: Chapter II.

"Amendment" means a modification in the license document that reflects changes to a radiation safety program or modifications to a sealed source or device evaluation.

"Anniversary date" means the last day of the month for each year the license is in effect, corresponding to the month in which the license expires.

AGENCY NOTE: For purposes of this Part, the 28<sup>th</sup> shall be considered the last day of the month of February.

"Billing year" means the period of time from October 1 of one year to September 30 of the following year.

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## NOTICE OF PROPOSED AMENDMENTS

"Category I irradiator" means a gamma irradiator in which the sealed source is completely contained in a dry container constructed of solid material, the sealed source is shielded at all times, and human access to the sealed source and the volume undergoing irradiation is not physically possible because of the design of the irradiator.

"Category II irradiator" means a controlled human access gamma irradiator in which the sealed source is contained in a dry container constructed of solid materials, is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system.

"Category III irradiator" means a gamma irradiator in which the sealed source is contained in a storage pool, the sealed source is shielded at all times, and human access to the sealed source and the volume undergoing irradiation is physically restricted in its design configuration and proper mode of use.

"Category IV irradiator" means a controlled human access gamma irradiator in which the sealed source is contained in a storage pool, is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system.

"Confirmatory environmental monitoring" means those surveys conducted by the [AgencyDepartment](#) either to establish whether the licensee has complied with the concentrations and exposure limits or dose limits specified in 32 Ill. Adm. Code 332, 340, 601 or 606, or to provide data to evaluate potential health and environmental impacts resulting from licensed activities.

"Custom sealed source or device evaluation" means a document issued by the [AgencyDepartment](#) for either a sealed source or a device containing radioactive material, built to the unique specifications for use at the site specified in the evaluation.

"Dispensing" means to remove aliquots of radioactive material from bulk stock and distribute portions to another licensee or to a person exempt from licensure.

"Distribution" means the transfer of radioactive material to three or more licensees or persons exempt from licensure pursuant to 32 Ill. Adm. Code 330 or 332.

"Educational institution" means a non-profit organization ~~that~~[which](#) has as its

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

primary purpose the advancement of knowledge in one or more specific fields and ~~that~~which is accredited by the North Central Association of Colleges and Schools or equivalent.

~~"Generally licensed devices" means x-ray fluorescence analyzers, gas chromatographs and gauges containing sealed sources in quantities equal to or greater than 37 MBq (1 mCi) of radioactive material possessed by persons licensed pursuant to 32 Ill. Adm. Code 330.220(b).~~

~~AGENCY NOTE: Although general licensees are required to register with the Department (32 Ill. Adm. Code 320.10), only general licensees possessing the types of devices with quantities of radioactive material defined above are required to pay fees as specified in this Part.~~

~~"Generally licensed kits" means radioactive material possessed by persons licensed pursuant to 32 Ill. Adm. Code 330.220(f) for in-vitro clinical or laboratory testing.~~

"Manufacture" means the dispensing or processing of radioactive material or the assembly of radioactive material as sealed sources into devices.

AGENCY NOTE: A person manufacturing or assembling devices intended to utilize radioactive sealed sources may need to obtain a license authorizing manufacturing, even if that device is to be evaluated for safety by the ~~Agency~~Department for distribution without the radioactive component.

"Materials license" means a radioactive material license issued pursuant to 32 Ill. Adm. Code 330, 332 or 601.

"Permanent jobsite" means any location where licensed material is stored or used for more than 180 days during any consecutive 12 months, or any site listed on a specific license that authorizes receipt, use or storage of radioactive material.

AGENCY NOTE: Locations where radioactive material is received and eventually redistributed or taken to other sites for use are typically included as permanent jobsites on specific licenses.

"Primary material use category" means the category described in Appendix E ~~of this Part~~ that corresponds to the category of use of radioactive material with the highest fee, either authorized by the license or requested by the applicant.

"Processing" means the preparation, manipulation or conversion of radioactive

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material.

"Remote site" means any permanent jobsite that is located in an area that is not contiguous to the primary use location.

"Sealed source or device evaluation" means a document issued by the [Agency Department](#), the Nuclear Regulatory Commission, an Agreement State or a Licensing State, indicating that the sealed source or device specified on the document has been evaluated for distribution.

"Temporary jobsite" means any location where licensed material is used or stored for 180 days or less during any consecutive 12 months, and not specifically listed on a radioactive materials license.

AGENCY NOTE: For mobile nuclear medicine licensees in fee category 208F, radioactive material can only be shipped to and received at sites specifically listed on a radioactive material license; therefore, material cannot be shipped to a temporary jobsite, but may be transported to temporary sites by the licensee.

*"Treatment" means any method, technique or process, including storage for radioactive decay, designed to change the physical, chemical or biological characteristics or composition of any waste in order to render the waste safer for transport, storage or disposal, amenable to recovery, convertible to another usable material or reduced in volume. [420 ILCS 20/3]*

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 331.110 Exemptions**

No fees as described in Sections 331.115 and 331.120 ~~of this Part~~ shall be required for:

- a) Persons who possess radioactive material pursuant to 32 Ill. Adm. Code 330.210 ~~or~~; 330.220(a), (c), (d), (e); ~~and (g) or 330.900(a)(2) and (b)(2)~~.
- b) Persons who possess radioactive material pursuant to 32 Ill. Adm. Code 330.220(b), except for generally licensed devices as defined in Section 331.30 ~~of this Part~~.
- c) A license for possession and use of radioactive material issued to an agency of a state, county; or municipal government or any political subdivision ~~of these~~

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~~governmentsthereof~~. This exemption does not apply to licenses for which the license fee is based on full cost recovery, licenses that authorize distribution of radioactive material or licenses authorizing testing for leakage or contamination as a service, or instrument calibration services to any person other than an agency or political subdivision of a state, county, or municipal government.

- d) A license for possession and use of radioactive material issued to an educational institution as defined in Section 331.30 ~~of this Part~~. This exemption does not apply to licenses for which the license fee is based on full cost recovery, licenses authorizing commercial distribution of radioactive material, licenses authorizing human use of radioactive material, licenses authorizing veterinary use of radioactive material, or licenses authorizing remunerated testing of sealed sources for leakage or contamination or remunerated instrument calibration services to any person.

AGENCY NOTE: Commercial distribution does not include transfer of material to other licensees for the purposes of collaborative research and development.

AGENCY NOTE: Remunerated services refer to persons not affiliated with the licensee. For example, this does not include contractual arrangements between different departments within the same licensee.

- e) An application to amend a materials license for which the license fee is not based on full cost recovery, that would not change the primary material use category to a category with a higher fee, or add additional permanent jobsites.
- f) A general license or specific license authorizing the use of source material as prefabricated shielding only for devices and containers, provided, however, that all other licensed material in the device or container shall be subject to the fees prescribed in Appendix F ~~of this Part~~.
- g) An application to change the status of a sealed source or device evaluation from "active" to "inactive". Upon request of the manufacturer or distributor, an evaluation is designated "inactive" by the ~~Agency Department~~ when ~~thosesuch~~ sources and devices are no longer manufactured or distributed, or when the evaluation is superseded by another evaluation.
- h) An application to change the company name or address listed on a sealed source or device evaluation.

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(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 331.115 Radioactive Material Recovery and Remediation Fee**

All specific and general licensees subject to this Part, except those in fee category 209A, shall pay an annual fee for recovery and remediation of radioactive material for a period of two years. ~~Persons with prepackaged units for in vitro testing. Licensees in possession of a general license for kits,~~ fee category 209A, shall pay the recovery and remediation fee for a period of one year. Fees are specified in Appendix F ~~of this Part~~. This ~~Agency~~ Department will account separately for all such fees, which will be used only for the costs of recovery and remediation of radioactive material when ~~thesueh~~ costs cannot be recovered in a timely manner from a responsible person or an available surety.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 331.120 Payment of Fees**

Fees shall be assessed and paid as follows:

- a) For categories of specific licenses that are shown to have an annual fee in Appendix F ~~of this Part~~, applicants and licensees shall be billed as described in this subsection (a). Payment is due within 60 days after the date of billing. Fees shall be assessed as follows:
  - 1) Annual fees: Unless a license or amendment application is exempt under Section 331.110 ~~of this Part~~, or the license fee is to be based on full cost recovery (see Appendix F ~~of this Part~~), each licensee shall be assessed the fees specified in Appendix F ~~of this Part~~ for the primary material use category authorized by the license annually.
  - 2) Annual remote site fee: For each remote site listed on a specific radioactive material license, where radioactive material is stored or used under the same license, the applicant shall annually be assessed the amount specified in Appendix F ~~of this Part~~ for each remote site that corresponds to the highest material use category authorized by the license for each site.
  - 3) Changing the primary material use category or a remote site category. An

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application for amendment to a materials license that would change the primary material use category or a remote site category to a new category with a higher fee shall be assessed fees for the incremental difference between the applicable annual fees and the portion of the billing year remaining from the time the amendment is approved by the [Agency Department](#).

- 4) The annual and remote site fees listed in Appendix F ~~of this Part~~ are nonrefundable, and are assessed based on a 12 month period.
  - 5) Applicants requesting new licenses shall be assessed fees for the applicable Primary category as specified in Appendix F ~~of this Part~~. Applicants shall be assessed fees for the portion of the billing year remaining from the time the application is received in the [Agency Department](#) to the end of the billing year.
  - 6) An educational institution (as defined in Section 331.30 ~~of this Part~~) that seeks or has a license authorizing possession and use of radioactive material for human use or veterinary use, or remunerated leak testing or instrument calibration services to others shall pay 100% of the highest primary material use category for which a fee is due.
- b) Recovery and remediation fees listed in Appendix F ~~of this Part~~ are nonrefundable and shall be billed along with the new license application fee described in subsection (a)(5) of this Section. The second installment, if required by Section 331.115 ~~of this Part~~, shall be assessed at the next billing date.
  - c) For categories of licenses that have fees based on full cost recovery, as listed in Appendix F ~~of this Part~~, fees shall be assessed for all new applications, evaluations, inspections, amendments (including amendments to terminate or renew a license) and for monitoring of unlicensed properties contaminated with byproduct material (as defined in 32 Ill. Adm. Code 332.20) and assessing the decommissioning and decontamination activities at those properties. Fees based on full cost recovery shall be assessed as follows:
    - 1) A licensee or applicant shall be assessed the deposit prescribed in Appendix F ~~of this Part~~ when the first application is received by the [Agency Department](#) after July 1, 2001. Licensees that already have adequate deposits on file with the [Agency Department](#) shall not be required

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to resubmit a deposit except for sealed source or device evaluations as indicated in subsection (d) of this Section. This deposit shall be held by the [AgencyDepartment](#) until a new license request has been denied by the [AgencyDepartment](#) or withdrawn by the applicant, or an existing license is terminated. The deposit shall be refunded in accordance with Section 331.130 ~~of this Part~~.

- 2) The licensee may be billed quarterly, or when the [AgencyDepartment](#) has incurred unpaid full cost expenses (as defined in Section 331.200(c) ~~of this Part~~) in excess of the amount of the deposit, or upon completion of a license action (such as an amendment or renewal). Each bill shall identify the actions and the costs related to each. Payment is due within 60 days after the date of billing.
- d) For evaluations of new sealed sources and devices, and amendments to existing sealed sources and device evaluations, fees shall be assessed based on the full cost of review. Each application for an evaluation of a new sealed source or device, or for an amendment to an existing sealed source or device evaluation, shall be accompanied by a deposit in the amount of \$500. The applicant shall be billed or issued a refund upon the completion of the review. Each bill shall identify the actions and the costs related to each. Payment is due within 60 days after the date of billing.
- e) For evaluations of financial assurance reclamation plans and cost estimates submitted to the [AgencyDepartment](#), fees for [AgencyDepartment](#) review shall be assessed based on the full cost of review time in excess of two hours. Payment is due within 60 days after the date of billing.
- f) For categories of licenses not exempted in Section 331.110 ~~of this Part~~, and licenses not subject to full cost recovery as described in Appendix F ~~of this Part~~, full cost recovery fees shall be assessed for [AgencyDepartment](#) confirmatory measurements and [AgencyDepartment](#) assessment of decommissioning and decontamination activities associated with the termination of a license or use of a site. The licensee shall be billed upon the completion of the assessment and prior to removal of a site from the license or termination of the license. Each bill shall identify the actions and the costs related to each. Payment is due within 60 days after the date of the billing.
- g) General license fees. ~~Each general licensee possessing a generally licensed kit or~~

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~~device defined in Section 331.30 of this Part shall be assessed fees specified in Appendix F of this Part annually.~~ Fees are nonrefundable and payment is due within 60 days after the date of the billing. The Agency shall assess fees:

- 1) Annually to each person who receives, acquires, possesses or uses a prepackaged unit for in vitro clinical or laboratory testing pursuant to the general license provided by 32 Ill. Adm. Code 330.220(f)(1); and
  - 2) Annually to each person who receives, acquires, possesses or uses a generally licensed device and is required to register pursuant to 32 Ill. Adm. Code 330.220(b)(4).
- h) Sealed source and device evaluation maintenance fee. Each person having an active sealed source or device evaluation on file with the Agency~~Department~~, except for custom sealed source and device evaluations, shall be billed the amount specified in Appendix F ~~of this Part~~ annually for each active evaluation sheet on file with the Agency~~Department~~. Fees are nonrefundable and payment is due within 60 days after the date of the billing.
- i) Reciprocity fees. Each person generally licensed under 32 Ill. Adm. Code 330.900 for reciprocal recognition of an out-of-state specific license shall be assessed fees for the applicable annual license fee for the primary material use category indicated in Appendix F ~~of this Part~~. Fees are nonrefundable and payment is due within 60 days after the date of the billing. The assessed billing period shall be for the 12 consecutive months following the licensee's first use under the general license. If, at the end of the 12 month period, the licensee is not using the general license, no additional fees are due until licensed activities commence again.

AGENCY NOTE: Reciprocity licensees are also subject to recovery and remediation fees specified in Section 331.115 ~~of this Part~~.

- j) Fee payments. Payments shall be by check or money order made payable to the Illinois Emergency Management Agency~~Illinois Department of Nuclear Safety~~.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 331.125 Implementation (Repealed)**

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- a) ~~Effective July 1, 2001, all licensees shall be assessed fees in accordance with this Part.~~
- b) ~~Converting all specific licensees to a single billing date shall be accomplished as follows:~~
  - 1) ~~For licensees with anniversary dates between July 1, 2001 and October 1, 2001, the fee assessed shall be the annual fee in Appendix F of this Part plus the prorated amount of that listed fee for the period from the anniversary date to October 1, 2001 (prorated on a daily basis).~~
  - 2) ~~For licensees with anniversary dates after October 1, 2001, the fee assessed shall be the annual fee listed in Appendix F of this Part minus the prorated amount of the last fee paid to the Department for the period from October 1, 2001 to the anniversary date (prorated on a daily basis).~~
- e) ~~All new license applications shall be assessed fees in accordance with Section 331.120(a)(5) of this Part.~~
- d) ~~Reciprocity licensees shall continue to be billed in accordance with 32 Ill. Adm. Code 330.120(i).~~

(Source: Repealed at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 331.130 Refunds of Full Cost Recovery Deposits**

The following procedures shall be followed by the AgencyDepartment when calculating refunds to licensees with full cost recovery deposits on file with the AgencyDepartment:

- a) In the event that the applicant withdraws or the AgencyDepartment denies an application prior to issuance of a sealed source and device evaluation sheet or initial license, the AgencyDepartment shall issue a refund totaling the deposit submitted for that application minus the full cost recovery expenses incurred by the AgencyDepartment but not paid by the applicant. In the event the expenses incurred by the AgencyDepartment exceed the deposit, the applicant shall be billed for the unpaid balance of full cost recovery expenses as defined in Section 331.200 ~~of this Part~~. Each bill shall identify the actions and the related costs. Payment is due within 60 days after the date of billing.

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- b) Upon termination of the license or issuance of a sealed source or device evaluation sheet, the [AgencyDepartment](#) shall issue a refund totaling the deposit submitted, minus any outstanding full cost recovery expenses. In the event that expenses incurred exceed the deposit, the applicant shall be billed for the unpaid balance of full cost recovery expenses as defined in Section 331.200 ~~of this Part~~. Each bill shall identify the actions and the related costs. Payment is due within 60 days after the date of billing.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 331.200 Full Cost Recovery**

Initial applications, amendments and renewals for licenses designated as full cost recovery in Appendix F ~~of this Part~~, and evaluations of new sealed sources and devices, or amendments to existing sealed source and device evaluations are assessed fees based on full cost recovery of review and inspection efforts. Full cost recovery fees are calculated based on the following:

- a) The time required by [AgencyDepartmental](#) professional staff to conduct the review, including license file review, travel time, correspondence preparation and supervisory and management review of specific actions, multiplied by the rate specified in subsection (f) of this Section.
- b) The time required by [AgencyDepartmental](#) professional staff to conduct inspections or perform confirmatory environmental monitoring, including license file review, travel time, correspondence preparation and supervisory and management review of specific actions, multiplied by the rate specified in subsection (f) of this Section.
- c) For licenses authorizing the possession and use of source material (as defined in 32 Ill. Adm. Code 310.20) and byproduct material (as defined in 32 Ill. Adm. Code 332.20), the [Agency'sDepartment's](#) cost for overseeing decontamination activities at unlicensed properties contaminated with source or byproduct material, including, but not limited to, travel time, correspondence preparation, supervisory and management review of specific actions, multiplied by the rate specified in subsection (f) of this Section.
- d) The cost of standard lab equipment and supplies, special environmental monitoring equipment and servicing of such equipment.

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- e) The contractual support service costs, if any, incurred by the [AgencyDepartment](#) in conjunction with the review, inspections and confirmatory environmental monitoring activities.

AGENCY NOTE: These support service costs may include, but are not limited to, rental of specialized equipment, acquisition of additional professional expertise not available within the [AgencyDepartment](#) and laboratory fees charged to the [AgencyDepartment](#).

- f) The hourly rate for full cost recovery shall be ~~\$202~~[\\$139.44](#).

AGENCY NOTE: Full cost recovery activities are billed to the nearest tenth of an hour.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 331.310 Failure By Applicant, Registrant or Licensee To Pay Prescribed Fee**

In any case ~~in which~~[where](#) the [AgencyDepartment](#) finds that an applicant, ~~registrant~~ or licensee has failed to pay a prescribed fee required in this Part, the [AgencyDepartment](#) will suspend or revoke, in accordance with 32 Ill. Adm. Code 200, authorization to use radioactive material, and any license issued to the applicant or licensee for which all required license fees have not been paid.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 331.APPENDIX E Primary Material Use Categories for Radioactive Material  
Licensees ~~and~~ Registrants**

<u>Fee Category</u>	<u>Primary Material Use Category Description</u>
<u>MANUFACTURING/DISTRIBUTION</u>	
201A.	Broad Scope Manufacturing and/or Distributions – licenses (as specified in 32 Ill. Adm. Code 330.270) for possession and use of radioactive material for research and development, and processing or manufacturing radioactive material or items containing radioactive material for commercial distribution, including, but not limited to, nuclear pharmacy operations, or manufacturing of a chemical mixture, compound, solution or alloy which is listed in 32 Ill. Adm. Code 330.30.
201B.	Specific Manufacturing and /or Distribution – licenses for possession and use of greater than 37 GBq (1 Ci) of radioactive material for research and development, and processing or manufacturing radioactive material or items containing radioactive material for commercial distribution, including, but not limited to, manufacturing of a chemical mixture, compound, solution or alloy which is listed in 32 Ill. Adm. Code 330.30.
201C.	Nuclear Pharmacy and Limited Manufacturing and/or Distribution – this category of radioactive material licenses addresses two similar types of licenses, either: <ul style="list-style-type: none"><li>i) nuclear pharmacy licenses for possession, use and distribution of radiopharmaceuticals and sealed sources to persons authorized pursuant to 32 Ill. Adm. Code 335; or</li><li>ii) Licenses for possession and use of not more than 37 GBq (1 Ci) of radioactive material for research and development, and processing or manufacturing of radioactive material for limited commercial distribution, including, but not limited to, manufacturing of a chemical mixture, radiolabeled compound, solution or alloy that is listed in 32 Ill. Adm. Code 330.30.</li></ul>
201D.	Distribution – licenses authorizing receipt, storage and distribution of radioactive material or items containing radioactive material, not involving processing or manufacturing of radioactive material.

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IRRADIATORS

- 202A. Category I Irradiator – licenses for possession and use of radioactive material as sealed sources in a gamma irradiator in which the sealed source is completely contained in a dry container constructed of solid material, the sealed source is shielded at all times, and human access to the sealed source and the volume undergoing irradiation is not physically possible because of the design of the irradiator.
- 202B. Category II, III or IV Irradiator – licenses for possession and use of less than 370 TBq (10,000 Ci) of radioactive material as sealed sources in a controlled human access gamma irradiator in which the sealed source is either:
- i) contained in a dry container constructed of solid materials, is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system;
  - ii) Contained in a storage pool, the sealed source is shielded at all times, and human access to the sealed source and the volume undergoing irradiation is physically restricted in its design configuration and proper mode of use; or
  - iii) Contained in a storage pool, is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system.
- 202C. Category II, III or IV Irradiator – licenses for possession and use of 370 TBq (10,000 Ci) or more of radioactive material as sealed sources in a controlled human access gamma irradiator in which the sealed source is either:
- i) Contained in a dry container constructed of solid materials, is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system;
  - ii) Contained in a storage pool, the sealed source is shielded at all times, and human access to the sealed source and the volume

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undergoing irradiation is physically restricted in its design configuration and proper mode of use; or

- iii) Contained in a storage pool, is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system.

RESEARCH AND DEVELOPMENT

203A. Broad Scope Research and Development – licenses (as specified in 32 Ill. Adm. Code 330.270) for possession and use of radioactive material for research and development that do not authorize commercial distribution.

203B. Other Research and Development – licenses for possession and use of radioactive material for research and development that do not authorize commercial distribution.

AGENCY NOTE: The [Agency Department](#) will allow the non-commercial distribution of material to other licensees for the purpose of collaborative research and development.

PORTABLE AND FIXED GAUGES

204A. Gas Chromatographs and Fixed X-Ray Fluorescence Analyzers – specific licenses for possession and use of radioactive material in sealed sources for use in gas chromatographs or fixed x-ray fluorescence analyzers.

204B. Portable Gauges and Portable X-Ray Fluorescence Analyzers – specific licenses for possession and use of radioactive material as sealed sources for use in portable gauges or x-ray fluorescence analyzers.

204C. Fixed Gauges – specific licenses for possession and use of radioactive material as sealed sources for use in fixed gauges.

SERVICE

205A. Service – licenses that authorize services for other persons, including, but not limited to, testing of sealed sources for leakage or contamination, instrument calibration and sample analysis, but not including waste disposal transportation or radioactive waste broker services. Medical service licensees include licensees that only transport sources and

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equipment to a client's facility, but do not authorize the medical use or administration of that material. The medical use or administration of radioactive material to humans or animals shall be performed under a specific medical use license.

- 205B. Nuclear Laundries – licenses for commercial collection and laundering of items contaminated with radioactive material.
- 205C. Decontamination Facilities – licenses that authorize receipt of items contaminated with radioactive material for the purpose of decontaminating such items.

WIRELINER (Well-Logging)

206. Wireline Service Operations (as defined in 32 Ill. Ad. Code 351) – licenses specifically authorizing use of radioactive material for wireline services, well surveys and tracer studies.

INDUSTRIAL RADIOGRAPHY

207. Industrial Radiography (as defined in 32 Ill. Adm. Code 350) – licenses specifically authorizing use of radioactive material for industrial radiography at permanent or temporary jobsites.

MEDICAL/VETERINARY

- 208A. Broad Scope Medical/Veterinary Use – Broad scope licenses (as specified in 32 Ill. Adm. Code 330.270) authorizing diagnostic and/or therapeutic veterinary or human use of radioactive material. These licenses may include research and development, or use of radioactive material in sealed sources contained in teletherapy or high dose rate remote afterloader devices.
- 208B. Medical/Veterinary Use Including Teletherapy and/or High Dose Rate Remote Afterloader – licenses for diagnostic and/or therapeutic human or veterinary use of radioactive material that include authorization for possession and use of radioactive material as sealed sources contained in teletherapy or high dose rate remote afterloader devices for medical or veterinary use and for the irradiation of other items.  
AGENCY NOTE: Possession of a teletherapy unit that is out of service and in storage only does not mean the primary radioactive material use

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category is the teletherapy category described in 208B. Such licensees should review the other categories to determine their primary radioactive material use category. If this is the only material possessed under a specific license, then see category 212A.

- 208C. Medical/Veterinary Use – licenses for diagnostic and/or therapeutic human or veterinary use of radioactive material (i.e., 32 Ill. Adm. Code 335.5010 and/or 335.7010).
- 208D. Diagnostic Use Only – licenses restricted to only the diagnostic human or veterinary use of radioactive material for uptake, dilution, excretion, imaging or localization studies, sealed sources for diagnosis; and in vitro kits (i.e., 32 Ill. Adm. Code 335.4010), except as specified in 32 Ill. Adm. Code 330.220(f).
- 208E. Limited Medical/Veterinary Use – licenses restricted to only the human or veterinary use of radioactive material for uptake, dilution and excretion studies (i.e., 32 Ill. Adm. Code 335.3010).
- 208F. Mobile Nuclear Medicine – licenses authorizing the receipt, possession and use of radioactive material for diagnostic or therapeutic human or veterinary use at temporary jobsites.  
AGENCY NOTE: Licensees wishing to establish mobile medical services involving High Dose Rate Remote Afterloaders for therapeutic use in humans or animals shall be licensed under Category 208B.

GENERAL LICENSES REGISTRANTS (GENERAL LICENSES)

- 209A. Persons with Prepackaged Units for In Vitro Testing – persons who receive, acquire, possess or use prepackaged units for in vitro clinical or laboratory testing pursuant to the general license provided by 32 Ill. Adm. Code 330.220(f)(1). General Licenses for Kits – radioactive material (as specified in 32 Ill. Adm. Code 330.220(f)) for certain in vitro clinical or laboratory testing.  
AGENCY NOTE: Prepackaged units may be known as in vitro kits or RIA kits.
- 209B. PersonsFacilities with Generally Licensed Devices – persons required to registerfacilities registered with the Agency pursuant to 32 Ill. Adm. Code 330.220(b)(4).Department to possess or use radioactive material (as specified in 32 Ill. Adm. Code 330.220(b)), except for material contained

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~~in devices designed and manufactured for the purpose of producing light, and material in the form of sealed sources used in devices with a maximum activity less than or equal to 37 MBq (1 mCi).~~

SOURCE MATERIAL

- 210A. Possession and Use of Source Material (as defined in 32 Ill. Adm. Code 310.20) and Byproduct Material (as defined in 32 Ill. Adm. Code 332.20) – licenses for possession and use of source material in recovery operations such as milling, in-site leaching, heap-leaching, ore buying stations, ion exchange facilities and in processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations as well as licenses authorizing the possession and maintenance of a facility in a standby mode.
- 210B. Possession and Use of Source Material (as defined in 32 Ill. Adm. Code 310.20) – licenses for possession and use of source material that require a specific radioactive materials license. This does not include licenses authorizing manufacture and distribution of source material, no does it include specific licensees authorizing source material used for shielding or source material authorized for use in manufacturing operations as described in Material Use Categories 201A, B and C of this Section.

WASTE DISPOSAL AND TREATMENT FACILITIES

- 211A. Low-Level Radioactive Waste Disposal Facilities – licenses issued pursuant to 32 Ill. Adm. Code 601 specifically authorizing the disposal of low-level radioactive waste away from the point of generation.
- 211B. Low-Level Radioactive Waste Treatment Facilities – licenses specifically authorizing the receipt of low-level radioactive waste material from other persons for treatment away from the point of generation, and transfer to a person authorized to receive or dispose of the material.
- 211C. Centralized Low-Level Radioactive Waste Storage Facilities – licenses specifically authorizing the receipt of low-level radioactive waste material from other persons for storage away from the point of generation, and transfer to a person authorized to receive or dispose of the material.

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211D. Other Low-Level Radioactive Waste – licenses authorizing other methodologies for disposal of low-level radioactive waste.

OTHER

212A. Storage Only – licenses authorizing storage only of radioactive material, but does not include facilities described as Centralized Low-Level Radioactive Waste Storage Facilities.

212B. Possession Incident to Exempt Distribution – licenses authorizing possession, receipt, storage and repackaging of byproduct radioactive material for eventual distribution to persons exempt under a specific license issued by the U.S. Nuclear Regulatory Commission.

AGENCY NOTE: The U.S. Nuclear Regulatory Commission maintains sole authority to issue licenses authorizing distribution of exempt quantities of byproduct radioactive material. However, those licenses do not authorize storage of [thesueh](#) material at facilities in Illinois, therefore, a separate license must be obtained from the [AgencyDepartment](#) for possession of [thesueh](#) material.

212C. Other – all other specific radioactive material licenses not specified elsewhere in this Appendix.

212D. Reciprocity for Exhibition and Demonstration Only – licenses authorizing only exhibition or demonstration of devices for a period of not greater than 180 days in any 12-month period.

212E. Sealed Source and Device Evaluation Maintenance Fee – a fee per active evaluation sheet maintained by the [AgencyDepartment](#) excluding custom sealed source and device evaluation sheets.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 331.APPENDIX F Fee Schedule for Radioactive Material ~~Licenses~~Licensees and Registrants**

<u>Primary Category</u>	<u>Description</u>	<u>Annual Fee</u>	<u>Recovery and Remediation Fee</u>	<u>Remote Site Fee</u>
<u>MANUFACTURING/DISTRIBUTION</u>				
201A.	Broad Scope Manufacturing and/or Distribution	<del>\$19,340</del> \$9,670	\$300	<del>\$7,720</del> \$3,860
201B.	Specific Manufacturing and/or Distribution	<del>\$5,525</del> \$4,627	\$300	<del>\$4,224</del> \$2,112
201C.	Nuclear Pharmacy and Limited Manufacturing and/or Distribution	<del>\$5,430</del> \$2,715	\$300	<del>\$3,820</del> \$1,910
201D.	Distribution	<del>\$3,290</del> \$1,645	\$300	<del>\$566</del> \$283
<u>IRRADIATORS</u>				
202A.	Category I Irradiator	<del>\$1,320</del> \$660	\$300	<del>\$620</del> \$310
202B.	Category II, III or IV Irradiator (less than 10,000 curies (370 TBq))	<del>\$5,185</del> \$3,665	\$300	<del>\$5,330</del> \$2,665
202C.	Category II, III or IV Irradiator (10,000 curies (370 TBq) or more) (One-time Deposit of \$10,000)	Full Cost	\$300	Full Cost
<u>RESEARCH AND DEVELOPMENT</u>				

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203A.	Broad Scope Research and Development	<u>\$9,945</u> <u>\$6,120</u>	\$300	<u>\$6,960</u> <u>\$3,480</u>
203B.	Other Research and Development	<u>\$3,655</u> <u>\$1,960</u>	\$300	<u>\$1,580</u> <u>\$790</u>
<u>PORTABLE AND FIXED GAUGES</u>				
204A.	Gas Chromatographs and Fixed X-Ray Fluorescence Analyzers	<u>\$1,190</u> <u>\$595</u>	\$300	<u>\$322</u> <u>\$161</u>
204B.	Portable Gauges and Portable X-Ray Fluorescence Analyzers	<u>\$1,785</u> <u>\$915</u>	\$300	<u>\$590</u> <u>\$295</u>
204C.	Fixed Gauges	<u>\$1,785</u> <u>\$1,015</u>	\$300	<u>\$640</u> <u>\$320</u>
<u>SERVICE</u>				
205A.	Service	<u>\$2,990</u> <u>\$1,495</u>	\$300	<u>\$900</u> <u>\$450</u>
205B.	Nuclear Laundries (One-time Deposit of \$10,000)	Full Cost	\$300	Full Cost
205C.	Decontamination Facilities (One-time Deposit of \$10,000)	Full Cost	\$300	Full Cost
<u>WIRELINE (Well Logging)</u>				
206.	Wireline Service Operations	<u>\$2,890</u> <u>\$1,540</u>	\$300	<u>\$990</u> <u>\$495</u>

INDUSTRIAL RADIOGRAPHY

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

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207.	Industrial Radiography	<u>\$7,450</u> <u>\$3,725</u>	\$300	<u>\$5,260</u> <u>\$2,630</u>
<u>MEDICAL/VETERINARY</u>				
208A.	Broad Scope Medical/ Veterinary Use	<u>\$16,770</u> <u>\$8,385</u>	\$300	<u>\$5,740</u> <u>\$2,870</u>
208B.	Medical/Veterinary Use Including Teletherapy and/or High Dose Rate Remote Afterloader	<u>\$7,350</u> <u>\$3,675</u>	\$300	<u>\$2,550</u> <u>\$1,275</u>
208C.	Medical/Veterinary Use	<u>\$3,315</u> <u>\$1,775</u>	\$300	<u>\$1,056</u> <u>\$528</u>
208D.	Diagnostic Use Only	<u>\$2,040</u> <u>\$1,020</u>	\$300	<u>\$780</u> <u>\$390</u>
208E.	Limited Medical/Veterinary Use	<u>\$1,840</u> <u>\$920</u>	\$300	<u>\$820</u> <u>\$410</u>
208F.	Mobile Nuclear Medicine	<u>\$3,315</u> <u>\$2,360</u>	\$300	<u>\$1,390</u> <u>\$695</u>
<u>REGISTRANT GENERAL LICENSES</u>				
209A.	<u>Persons with Prepackaged Units for In Vitro Testing</u> <del>General Licenses for Kits</del>	\$170	\$300	N/A
209B.	<u>Persons</u> <del>Facilities</del> with Generally Licensed Devices	\$350	\$300	N/A
<u>SOURCE MATERIAL</u>				
210A.	Possession and Use of	Full Cost	\$300	Full Cost

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

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Source Material and  
Byproduct Material (One-  
time Deposit of \$25,000)

210B.	Possession and Use of Source Material (One-time Deposit of \$25,000)	Full Cost	\$300	Full Cost
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WASTE DISPOSAL AND TREATMENT FACILITIES

211A.	Low-Level Radioactive Waste Disposal Facilities (One-time Deposit of \$25,000)	Full Cost	\$300	Full Cost
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211B.	Low-Level Radioactive Waste Treatment Facilities (One-time Deposit of \$25,000)	Full Cost	\$300	Full Cost
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211C.	Centralized Radioactive Waste Storage Facilities (One-time Deposit of \$25,000)	Full Cost	\$300	Full Cost
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211D.	Other Low-Level Radioactive Waste (One- time Deposit of \$25,000)	Full Cost	\$300	Full Cost
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OTHER

212A.	Storage Only	<del>\$1,785</del> \$1,425	\$300	<del>\$840</del> \$420
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212B.	Possession Incident to Exempt Distribution	<del>\$1,730</del> \$865	\$300	<del>\$528</del> \$264
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212C.	Other (uses not specified elsewhere in this schedule)	<del>\$1,770</del> \$885	\$300	<del>\$440</del> \$220
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212D.	Reciprocity for Exhibition and Demonstration Only	<del>\$350</del> <u>\$175</u>	N/A	N/A
212E.	Sealed Source and Device Evaluation Maintenance Fee	<del>\$650</del> <u>\$325</u>	N/A	N/A

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Particle Accelerators
- 2) Code Citation: 32 Ill. Adm. Code 390
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
390.10	Amendment
390.20	Amendment
390.30	Amendment
390.40	Amendment
390.50	Amendment
390.60	Amendment
- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40]
- 5) A Complete Description of the Subjects and Issues Involved: The Agency is proposing this Amendment to: change all references of "Department" or the "Illinois Department of Nuclear Safety" to "Agency" or "Illinois Emergency Management Agency" pursuant to Executive Order #12, (2003) and to allow registrants to use electronic dosimeters that were not available when the regulation was originally promulgated and to make other nonsubstantive corrections.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Kevin McClain  
Chief Legal Counsel  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, Illinois 62704

217/524-0770 (voice)  
217/782-6133 (TDD)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected: The Agency believes that this rulemaking will have no direct impact on small businesses or not-for-profit corporations.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 32: ENERGY

## CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY

## SUBCHAPTER b: RADIATION PROTECTION

## PART 390

## PARTICLE ACCELERATORS

Section	
390.10	Scope
390.20	Definitions
390.30	Operating Procedures and Instructions
390.40	Equipment Controls
390.50	Radiation Monitoring
390.60	Radiation Surveys
390.70	Personnel Training

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

SOURCE: Filed and effective April 24, 1970, by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; codified at 7 Ill. Reg. 11278; amended at 18 Ill. Reg. 3143, effective February 22, 1994; emergency amendment at 22 Ill. Reg. 21097, effective November 17, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2896, effective February 25, 1999; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 390.10 Scope**

Except as otherwise specifically provided, this Part applies to all persons who develop, manufacture, receive, possess, use, own, or acquire accelerators. ~~These~~The provisions of this Part are in addition to, and not in substitution for, other applicable provisions of ~~Agency~~Department regulations. See 32 Ill. Adm. Code 360 for applicable regulations concerning particle accelerators for medical therapeutic applications.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 390.20 Definitions**

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As used in this Part:

"Accelerator facility" means the location at which one or more particle accelerators are installed within one building or under one roof and are operated under the same administrative control.

"Particle accelerator" means any device other than an x-ray machine ~~that~~which emits ionizing radiation as a result of the acceleration of charged particles. Examples are cyclotrons, betatrons, electron linear accelerators and potential drop accelerators.

"Qualified expert" means an individual who has demonstrated to the satisfaction of the ~~Agency~~Department that he or she possesses the knowledge and training to measure ionizing radiation, to evaluate safety techniques and to advise regarding radiation protection needs. Satisfactory demonstration of ~~such~~knowledge and training should include certification by a nationally recognized credentialing entity in the field of radiation protection.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 390.30 Operating Procedures and Instructions**

- a) Each registrant shall inform individuals working in or frequenting any portion of a restricted area as to the presence of radiation or particle accelerators; instruct ~~those~~such individuals in safety problems associated ~~with those areas~~therewith and in precautions or procedures to minimize radiation exposure; instruct ~~the~~such individuals in the provisions of ~~Agency~~Department regulations for the protection of personnel from exposures to radiation; and advise ~~the~~such individuals of reports of radiation exposure ~~that~~which those individuals may request pursuant to this Part.
- b) Each particle accelerator facility shall be under the administrative control of a radiation protection officer or radiation safety committee ~~that~~who will be responsible for the safe operation of the accelerator.
- c) Written operating and emergency procedures, as well as specified safety rules, shall be established for each accelerator facility and approved by the radiation protection officer.

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- d) Personnel who operate or maintain particle accelerators shall be familiar with, and have available a copy of, the written operating and emergency procedures.
- e) No individual shall be permitted to operate or maintain an accelerator until ~~the~~such individual has received at least the training specified in Section 390.70.
- f) Modification, repairs or preventive maintenance on accelerator components or safety interlocks may be performed only by or under the direct supervision of individuals who have received at least the training specified in Section 390.70.
- g) Provisions shall be made at each accelerator control console to display the name of the individual who is authorized to operate the accelerator. Only the individual whose name is displayed may turn on the accelerator or open entrances to high radiation areas.
- h) The radiation safety officer shall maintain a current list of all personnel who are qualified to operate or service the particle accelerator.
- i) No registrant shall permit a particle accelerator to operate at any time with a safety interlock bypassed, except for necessary testing. Upon ~~such~~ circumvention of an interlock, the registrant shall maintain records showing the date and reasons for bypassing the interlock. A sign shall be posted at the personnel entrance door being bypassed and this condition terminated as soon as possible.
- j) Additional Requirements. The ~~Agency~~Department may, by rule, regulation or order, impose upon any registrant ~~such~~ requirements in addition to those established in this Part, as it deems appropriate or necessary to minimize danger to public health and safety or property.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 390.40 Equipment Controls**

- a) All meters and controls on the accelerator control console shall be clearly identified and easily discernible. Accelerator control consoles shall be equipped with a keyswitch or other device ~~that~~which will render the console inoperative when the key or device is removed. Only one key shall be available to the operating crew.

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- b) All entrances into a target room or other high radiation area shall be provided with a minimum of two personnel interlocks.
- c) The interlock system shall be designed to prevent restarting of the accelerator without manually resetting the accelerator "ON" switch at the control console after the tripping of a shielding interlock or a power failure. At the time of such an occurrence, the registrant is required to resurvey the radiation area prior to reactivation of the accelerator. Records documenting the circumstances surrounding such occurrences shall be maintained for review by the [AgencyDepartment](#).
- d) A scram or panic button or other emergency power cut-off switch shall be located and easily identifiable in all accessible high radiation areas. A visible and/or audible signal system shall be installed within the protective enclosure [thatwhieh](#) will be activated for a reasonable length of time before the power to the accelerator can be activated.
- e) Electrical circuit diagrams of the accelerator and the associated interlock system shall be kept current and on file at each accelerator facility.
- f) All safety and warning devices, including interlocks, shall be checked and appropriately serviced each month. A log and written records of these tests shall be kept by the registrant and made available for inspection by the [AgencyDepartment](#).

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 390.50 Radiation Monitoring**

- a) Portable radiation monitoring equipment shall be properly maintained and available at the accelerator facility. An appropriate radiation monitor shall be used for all accelerator target rooms and other high radiation areas. This monitor shall be one or more of the following:
  - 1) An area monitor with an easily observable indicator located near the entrance that warns of radiation levels above a predetermined limit;
  - 2) A personal radiation monitor of the "chirpie" type worn while in the room;

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

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- 3) A portable survey instrument carried into the room; or
  - 4) A monitor approved by the [AgencyDepartment](#).
- b) No registrant shall permit any individual to enter a restricted area unless [thesueh](#) individual wears both:
- 1) An individual monitoring device, assigned to and worn by only one individual, that is provided and evaluated by a qualified dosimetry processor as described in 32 Ill. Adm. Code 340.510(d); and
  - 2) A [direct reading](#) pocket ionization chamber [or an electronic dosimeter](#) capable of measuring doses from zero to at least 51.6 microC/kg (200 mR).

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 390.60 Radiation Surveys**

- a) The registrant shall maintain sufficient calibrated and operable radiation survey instruments to make physical radiation surveys as required by the [AgencyDepartment](#). Each radiation survey instrument shall be checked every 3 months and calibrated at intervals not to exceed 1 year. After each instrument servicing, a record shall be maintained of the latest response check or calibration date.
- b) Before a new accelerator with its associated components is placed in routine operation, a radiation protection survey shall be made by a qualified expert and a copy of the results submitted to the [AgencyDepartment](#).
- c) The area surrounding a particle accelerator and associated components shall be surveyed at intervals not to exceed 3 months. A record shall be made of the accelerator operating conditions and radiation levels measured at specific control points. These control points must be well defined and reported on at least four consecutive surveys. One of these control points must be at the normal work station of the individual who operates the accelerator. These records shall be made available for inspection by the [AgencyDepartment](#).

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Notices, Instructions and Reports to Workers; Inspections
- 2) Code Citation: 32 Ill. Adm. Code 400
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
400.10	Amendment
400.110	Amendment
400.120	Amendment
400.130	Amendment
400.140	Amendment
400.150	Amendment
400.160	Amendment
400.170	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 16 and 29 of the Radiation Protection Act of 1990 [420 ILCS 40/16 and 29]
- 5) A Complete Description of the Subjects and Issues Involved: The Agency is proposing this Amendment to change all references of "Department" or the "Illinois Department of Nuclear Safety" to "Agency" or "Illinois Emergency Management Agency" pursuant to Executive Order #12 (2003) and to clarify training requirements and notices to workers.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Kevin McClain  
Chief Legal Counsel  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, Illinois 62704

217/524-0770 (voice)  
217/782-6133 (TDD)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected: The Agency believes that this rulemaking will have no direct impact on small businesses or not-for-profit corporations. We are standardizing training requirements that appear in other Parts of 32 Ill. Adm. Code.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 32: ENERGY

## CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY

## SUBCHAPTER b: RADIATION PROTECTION

## PART 400

## NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS; INSPECTIONS

## Section

400.10	Purpose and Scope
400.110	Posting of Notices to Workers
400.120	Instructions to Workers
400.130	Notifications and Reports to Individuals
400.140	Presence of Representatives of Licensees or Registrants and Workers During Inspection
400.150	Consultation with Workers During Inspections
400.160	Requests by Workers for Inspections
400.170	Inspections Not Warranted; Informal Review

AUTHORITY: Implementing and authorized by Sections 16 and 29 of the Radiation Protection Act of 1990 [420 ILCS 40/16 and 29].

SOURCE: Adopted at 10 Ill. Reg. 17496, effective September 25, 1986; amended at 11 Ill. Reg. 15629, effective September 11, 1987; amended at 13 Ill. Reg. 13581, effective August 11, 1989; amended at 16 Ill. Reg. 11531, effective July 7, 1992; amended at 18 Ill. Reg. 3132, effective February 22, 1994; amended at 23 Ill. Reg. 14479, effective January 1, 2000; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 400.10 Purpose and Scope**

- a) This Part establishes requirements for notices, instructions and reports by licensees or registrants to individuals engaged in activities under a license or registration and options available to ~~those such~~ individuals in connection with ~~the Illinois Emergency Management Agency (Agency) Department of Nuclear Safety (Department)~~ inspections of licensees or registrants to ascertain compliance with the provisions of the Radiation Protection Act of 1990 [420 ILCS 40] (the Act) and regulations, orders and licenses issued ~~under that Act thereunder~~ regarding radiological working conditions.

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- b) This Part shall apply to:
- 1) All persons who receive, possess, use, own or transfer sources of radiation registered with or licensed by the [AgencyDepartment](#) pursuant to 32 Ill. Adm. Code: Chapter II, [SubchaptersSubchapter](#) b and d.
  - 2) Inspection and testing of radiation machines and associated operating procedures by the [AgencyDepartment](#).
  - 3) Inspection of licensed activities by [AgencyDepartmental](#) inspectors.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 400.110 Posting of Notices to Workers**

- a) Each licensee or registrant shall post current copies of the following documents:
- 1) The provisions in this Part and in 32 Ill. Adm. Code 340;
  - 2) The certificate of registration, the license, the license conditions and any documents incorporated into the license by reference and amendments [to these documents](#)~~thereto~~;
  - 3) The operating procedures applicable to activities under the license or registration; and
  - 4) Any notice of violation involving radiological working conditions, proposed imposition of civil penalty or order issued pursuant to 32 Ill. Adm. Code 310 and any response from the licensee or registrant.
- b) If the posting of a document specified in [subsections](#)~~subsections~~ (a)(1), (2) or (3) of this Section is not practicable, the licensee or registrant may post a notice [that](#)~~which~~ describes the documents and states where they may be examined.
- c) [AgencyDepartment](#) Form KLA.001 "Notice to Employees" shall be posted by each licensee or registrant.
- d) [AgencyDepartment](#) documents posted pursuant to subsection (a)(4) of this Section shall be posted within 5 working days after receipt of the documents from

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

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the [Agency Department](#); the licensee's or registrant's response, if any, shall be posted within 5 working days after dispatch from the licensee or registrant. [The Such](#) documents shall remain posted for a minimum of 5 working days or until action correcting the violation has been completed, whichever is later.

- e) Documents, notices, or forms posted pursuant to this Section shall appear in a sufficient number of places to permit individuals engaged in work under the license or registration to observe them on the way to or from any particular work location to which the document applies, shall be conspicuous and shall be replaced if defaced or altered.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 400.120 Instructions to Workers**

- a) All individuals working in, or the performance of whose duties requires access to, any portion of a restricted area [or who frequent areas where radioactive material is used or stored](#):
- 1) Shall be kept informed of the storage, transfer or use of sources of radiation in such portions of the restricted area;
  - 2) Shall be instructed in the health protection problems associated with exposure to radiation or radioactive material, in the risks of radiation exposure to the embryo and fetus, in precautions or procedures to minimize exposure and in the purposes and functions of protective devices employed;
  - 3) Shall be instructed in, and instructed to observe to the extent within the worker's control, the conditions of the license, the provisions of this Part and 32 Ill. Adm. Code: Chapter II, Subchapters b and d for the protection of personnel from exposures to radiation or radioactive material occurring in such areas;
  - 4) Shall be instructed to report promptly to the licensee or registrant any condition [that which](#) may constitute, lead to or cause a violation of the Act, the conditions of the license, the provisions of this Part or 32 Ill. Adm. Code: Chapter II, Subchapters b and d or unnecessary exposure to radiation or radioactive material;

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

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- 5) Shall be instructed in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation or radioactive material; and
  - 6) Shall be advised as to the radiation exposure reports ~~that~~which workers ~~are~~shall be furnished pursuant to Section 400.130 ~~of this Part~~.
- b) These instructions shall be of sufficient detail to avoid radiological health protection problems and shall be given directly to each worker either in writing or in an orientation course, with the workers signing a statement that they have received the ~~above~~ information listed in subsection (a) and understand it. Training shall be provided initially before assigning duties involving radioactive material and following changes in duties or procedures or potential radiation hazards. Refresher training that covers all of the required topics shall be provided at intervals not to exceed 12 months.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 400.130 Notifications and Reports to Individuals**

- a) Notifications and reports provided to individuals in accordance with this Section shall include data and results obtained pursuant to this Part, orders or license conditions, as shown in records maintained by the licensee or registrant pursuant to 32 Ill. Adm. Code 340.1160(a) and (d). Each notification and report shall:
  - 1) Be in writing;
  - 2) Include the name of the licensee or registrant, the name of the individual and the individual's social security number;
  - 3) Include the individual's dose information; and
  - 4) Contain the following statement:

"This report is furnished to you under the provisions of the Illinois Emergency Management Agency~~Department of Nuclear Safety~~ Regulations for Radiation Protection (32 Ill. Adm. Code 400). You should preserve this report for further reference."

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

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- b) Each licensee or registrant shall make dose information available to workers as shown in records maintained by the licensee or registrant under the provisions of 32 Ill. Adm. Code 340.1160. The licensee or registrant shall provide an annual report to each individual monitored under 32 Ill. Adm. Code 340.520 of the dose received in that monitoring year if:
- 1) The individual's occupational dose exceeds 1 mSv (100 mrem) TEDE or 1 mSv (100 mrem) to any individual organ or tissue; or
  - 2) The individual requests his or her annual dose report.
- ~~Each licensee or registrant shall advise each worker annually of the worker's dose as shown in records maintained by the licensee or registrant pursuant to 32 Ill. Adm. Code 340.1160(a) and (d).~~
- c) At the request of a worker, each licensee or registrant shall furnish to the worker upon termination of employment a report of the worker's dose. ~~The Such~~ report shall be furnished within 30 days from the time the request is made, or within 30 days ~~after~~ termination of employment or within 30 days after the individual's dose has been determined by the licensee or registrant, whichever is later. The report shall cover all periods of time in which the worker was required to be monitored pursuant to 32 Ill. Adm. Code 340.520 and shall include the dates and locations of work under the license or registration in which the worker participated.
- d) When a licensee or registrant is required pursuant to 32 Ill. Adm. Code 340.1220, 340.1230 or 340.1240 to report to the ~~Agency~~Department any dose received by an individual, the licensee or the registrant shall also provide the individual a report of the dose information included ~~in the report to the Agency~~therein. ~~The Such~~ reports shall be transmitted at a time not later than the transmittal to the ~~Agency~~Department.
- e) At the request of a worker who is terminating employment with the licensee or registrant in work involving radiation dose during the current year, or of a worker who, while employed by another person, is terminating a work assignment involving radiation dose in the licensee's or registrant's facility during the current year, each licensee or registrant shall provide to each such worker, or to the worker's designee, at termination, a written report regarding the radiation dose

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received by that worker from operations of the licensee or registrant during the current year or fraction ~~of a year~~~~thereof~~, or provide a written estimate of that dose if the finally-determined personnel monitoring results are not available at that time. Estimated doses shall be clearly indicated ~~as such~~. If an estimate of dose is provided, the actual radiation dose records shall be provided to the worker when these records become available to the licensee or registrant.

AGENCY NOTE: The reporting requirements of subsections (b), (c) and (e) of this Section apply only to workers who are required to be monitored pursuant to 32 Ill. Adm. Code 340.520.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 400.140 Presence of Representatives of Licensees or Registrants and Workers During Inspection**

- a) Pursuant to Section 400.160 ~~of this Part~~ and 32 Ill. Adm. Code 310.50, each licensee or registrant shall afford the ~~Agency~~~~Department~~ at all reasonable times the opportunity to inspect such materials, machines, activities, facilities, premises and records as the ~~Agency~~~~Department~~ determines are necessary to establish compliance with the requirements of the license and the provisions of 32 Ill. Adm. Code: Chapter II, Subchapters b and d. Reasonable times shall be any time the facility is operational. The inspection may be announced or unannounced. Materials licensees shall be inspected at least as frequently as they would have been inspected by the U.S. Nuclear Regulatory Commission (NRC) if the licensees were regulated by the NRC, but no more frequently than once in a calendar quarter. Radiation machines shall be inspected in accordance with Section 25 of the Act. Inspection of licensees and radiation machines may be conducted more frequently than once per calendar quarter if, in the past three years, there has been a condition at the facility ~~that~~~~which~~ required emergency response; or if the ~~Agency~~~~Department~~ has received a complaint, the investigation of which ~~results~~~~shall result~~ in a more frequent inspection; or if the ~~Agency~~~~Department~~ has documented a violation of the Act or ~~Section 400.160 or 32 Ill. Adm. Code 310.50~~~~the above-referenced rules of the Department~~ at the facility and additional inspections are necessary to establish that the violation has been abated.
- b) During an inspection, ~~Agency~~~~Departmental~~ inspectors may consult privately with workers as specified in Section 400.150 ~~of this Part~~. The licensee or registrant

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may accompany ~~Agency~~~~Departmental~~ inspectors during other phases of an inspection.

- c) If, at the time of inspection, an individual has been authorized by the workers to represent them during inspections, the licensee or registrant shall notify the ~~Agency~~~~Departmental~~ inspectors of ~~that~~~~such~~ authorization and shall give the workers' representative an opportunity to accompany the inspectors during the inspection of physical working conditions.
- d) Each workers' representative shall be routinely engaged in work under control of the licensee or registrant and shall have received instructions as specified in Section 400.120 ~~of this Part~~.
- e) Different representatives of licensees or registrants and workers may accompany the ~~Agency~~~~Departmental~~ inspectors during different phases of an inspection if there is no resulting interference with the conduct of the inspection. However, only one workers' representative at a time may accompany the inspectors.
- f) With the approval of the licensee or registrant and the workers' representative, an individual who is not routinely engaged in work under control of the licensee or registrant, for example, a consultant to the licensee or registrant or to the workers' representative, shall be afforded the opportunity to accompany ~~Agency~~~~Departmental~~ inspectors during the inspection of physical working conditions.
- g) Notwithstanding the other provisions of this Section, ~~Agency~~~~Departmental~~ inspectors are authorized to refuse to permit accompaniment by any individual who deliberately interferes with a fair and orderly inspection. With regard to areas containing information classified by an agency of the U.S. Government in the interest of national security, an individual who accompanies an inspector may have access to ~~the classified~~~~such~~ information only if authorized to do so. With regard to any area containing proprietary information, i.e., trade secrets and commercial or financial information ~~that~~~~where~~ ~~such~~ information is privileged or confidential or ~~when~~~~where~~ disclosure of ~~the~~~~such~~ information may cause competitive harm, the workers' representative for that area shall be an individual previously authorized by the licensee or registrant to enter that area.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 400.150 Consultation with Workers During Inspections**

- a) ~~Agency~~~~Departmental~~ inspectors may consult privately with workers concerning matters of occupational radiation protection and other matters related to the activities of the licensee or registrant ~~that~~~~which~~ bear upon compliance with the conditions of the license or the provisions of this Part or 32 Ill. Adm. Code: Chapter II, Subchapters b and d.
- b) During the course of an inspection, or at any other time, any worker may bring privately to the attention of the ~~Agency~~~~Department~~ or its inspectors, either orally or in writing, any past or present condition ~~that~~~~which~~ the worker has reason to believe may have contributed to or caused any violation of the Act, the provisions of this Part or 32 Ill. Adm. Code: Chapter II, Subchapters b and d or license condition, or any unnecessary exposure of an individual to sources of radiation under the licensee's or registrant's control. Any ~~such~~-notice in writing shall comply with the requirements of Section 400.160(a)~~-of this Part~~. If a worker seeks an opportunity to speak to an inspector during an ~~Agency~~ inspection, the licensee or registrant shall permit the worker ~~that~~~~such~~ opportunity.

~~\*AGENCY NOTE: The provisions of subsection (b) of this Section shall not be interpreted as authorization to disregard instructions pursuant to Section 400.120 of this Part.~~

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 400.160 Requests by Workers for Inspections**

- a) Any worker or representative of workers believing that a violation of the Act, the provisions of this Part or 32 Ill. Adm. Code: Chapter II, Subchapters b and d, or license conditions exists or has occurred, or that an unnecessary exposure to radiation or radioactive material has occurred in work under a license or registration with regard to radiological working conditions in which the worker is engaged, may request an inspection by giving notice of the alleged violation to the ~~Agency~~~~Department~~. ~~The~~~~Any~~ ~~such~~ notice shall be in writing, shall set forth the circumstances describing the perceived violation or condition and shall be signed by the worker or representative of the workers. A copy of the notice shall be provided to the licensee or registrant by the ~~Agency~~~~Department~~ no later than at the time of inspection except that, upon the request of the worker giving ~~the~~~~such~~ notice, ~~the~~ ~~worker's~~~~his~~ name and the name of individuals referred to ~~in~~ ~~the~~

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~~noticetherein~~ shall not appear in ~~thesueh~~ copy or on any record published, released or made available by the ~~AgencyDepartment~~, except for good cause shown, such as when necessary in the course of enforcement actions.

- b) If conditions stated on the face of the complaint indicate there is or has been a violation or the possibility of a violation, the ~~AgencyDepartment~~ shall conduct an inspection as soon as practicable to determine if ~~thesueh~~ alleged violation exists or has occurred. Inspections made pursuant to this Section need not be limited to matters referred to in the complaint.
- c) No licensee or registrant shall discharge or in any manner discriminate against any worker because ~~thesueh~~ worker has filed any complaint, or ~~has~~ instituted or caused to be instituted any proceedings under this Part, or has testified or is about to testify in any such proceeding, or because of the exercise by ~~thesueh~~ worker on behalf of himself or herself or others of any option afforded by this Part. Furthermore, each licensee and registrant shall instruct ~~itshis~~ contractors and subcontractors not to discharge or in any manner discriminate against any worker because ~~thesueh~~ worker has filed any complaint, or ~~has~~ instituted or caused to be instituted any proceedings under this Part, or has testified or is about to testify in any such proceeding, or because of the exercise by ~~thesueh~~ worker on behalf of himself or herself or others any option afforded by this Part. Any worker who believes that he or she has been so discharged or discriminated against may file a complaint with the ~~AgencyDepartment~~ alleging a violation of this subsection.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 400.170 Inspections Not Warranted; Informal Review**

- a) Review of Determination ~~thatThat~~ No Inspection ~~Isis~~ Warranted
- 1) If the Office of Radiation Safety determines, pursuant to Section 400.160 ~~of this Part~~, that an inspection is not warranted, the Office of Radiation Safety shall notify the complainant in writing within 60 days ~~afterof~~ receipt of the complaint. The complainant may obtain review of ~~thesueh~~ determination by submitting a written statement of position with the ~~AgencyDepartment~~. The ~~AgencyDepartment~~ shall provide the licensee or registrant with a copy of ~~thesueh~~ statement by certified mail, excluding, at the request of the complainant, the name of the complainant. The licensee or registrant may submit an opposing written statement of position with

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the ~~Agency~~Department. The ~~Agency~~Department shall provide the complainant with a copy of ~~the~~such statement by certified mail.

- 2) Upon the request of the complainant or the licensee or registrant, the ~~Agency~~Department shall hold an informal conference in which the complainant and the licensee or registrant may orally present their views. If ~~such~~ a conference is requested by the complainant, the presence of the licensee or registrant at the conference shall be subject to the concurrence of the complainant. If the conference is requested by the licensee or registrant, the presence or disclosure of the identity of the complainant shall be made only pursuant to written authorization from the complainant. After considering all written and oral views presented, the ~~Agency~~Department shall affirm, modify, or reverse the determination of the Office of Radiation Safety and furnish the complainant and the licensee or registrant a written notification of the decision and the reason ~~for that decision~~therefor.

- b) If the ~~Agency~~Department determines that an inspection is not warranted because the requirements of Section 400.160(a) ~~of this Part~~ have not been met, the complainant shall be notified in writing, within 30 days ~~after~~of receipt of the complaint, of ~~the~~such determination. ~~The~~Such determination shall be without prejudice to the filing of a new complaint meeting the requirements of Section 400.160(a) ~~of this Part~~.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Community Care Program
- 2) Code Citation: 89 Ill. Adm. Code 240
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
240.865	Amendment
240.920	Amendment
240.950	Amendment
- 4) Statutory Authority: 20 ILCS 10/4.01(11) and 4.02 (as amended by Public Act 95-0565, effective June 1, 2008)
- 5) Effective Date of Rulemaking: November 10, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 31 Ill. Reg. 16599; December 21, 2007
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Reverted back to original terminology referring to "medical assistance" instead of "medical programs" throughout rulemaking so it is consistent with usage by Healthcare and Family Services.

Corrected internal effective date in introductory paragraph of Section 240.865.

Added exemptions in subsection (a) of Section 240.865 to address possible unintended consequence of mandatory Medicaid enrollment so (1) an individual will not be forced off of private insurance and/or retiree insurance policies, (2) a spouse will not be forced into uninsured status, and (3) at-risk individuals will not be pushed into premature institutional care for noncompliance.

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Reverted back to original language identifying the current non-exempt asset limit in subsection (o) of Section 240.920. Also added a cross-reference to Section 240.865 in subsection (q) of Section 240.920.

Reverted back to original language identifying the current non-exempt asset limit in subsection (k) of Section 240.950. Also deleted subsection (r) of Section 240.950 because mandatory Medicaid enrollment will apply as a prerequisite for services for new applicants under the Community Care Program.

All other changes made to this rulemaking were technical, grammatical and editorial at the recommendation of the Joint Committee on Administrative Rules and the Administrative Code Division.

- 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 rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
240.210	Amendment	32 Ill. Adm. Code 7445; May 16, 2008
240.728	Amendment	32 Ill. Adm. Code 7445; May 16, 2008
240.729	Repeal	32 Ill. Adm. Code 7445; May 16, 2008
240.730	Amendment	32 Ill. Adm. Code 7445; May 16, 2008
240.1505	New	32 Ill. Adm. Code 7445; May 16, 2008
240.1510	Amendment	32 Ill. Adm. Code 7445; May 16, 2008
240.1520	Amendment	32 Ill. Adm. Code 7445; May 16, 2008
240.1525	New	32 Ill. Adm. Code 7445; May 16, 2008
240.1530	Amendment	32 Ill. Adm. Code 7445; May 16, 2008
240.1535	Amendment	32 Ill. Adm. Code 7445; May 16, 2008
240.1550	Amendment	32 Ill. Adm. Code 7445; May 16, 2008
240.1555	Amendment	32 Ill. Adm. Code 7445; May 16, 2008
240.1560	Amendment	32 Ill. Adm. Code 7445; May 16, 2008
240.1600	Amendment	32 Ill. Adm. Code 7445; May 16, 2008
240.1605	Amendment	32 Ill. Adm. Code 7445; May 16, 2008
240.1615	New	32 Ill. Adm. Code 7445; May 16, 2008
240.1620	Repeal	32 Ill. Adm. Code 7445; May 16, 2008
240.1625	Repeal	32 Ill. Adm. Code 7445; May 16, 2008

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240.1630	Repeal	32 Ill. Adm. Code 7445; May 16, 2008
240.1635	Repeal	32 Ill. Adm. Code 7445; May 16, 2008
240.1640	Repeal	32 Ill. Adm. Code 7445; May 16, 2008
240.1645	Amendment	32 Ill. Adm. Code 7445; May 16, 2008
240.1970	New	32 Ill. Adm. Code 10667; July 18, 2008
240.2020	Amendment	32 Ill. Adm. Code 10667; July 18, 2008
240.2023	New	32 Ill. Adm. Code 10667; July 18, 2008
240.2030	Amendment	32 Ill. Adm. Code 10667; July 18, 2008
240.2040	Amendment	32 Ill. Adm. Code 10667; July 18, 2008
240.2050	Amendment	32 Ill. Adm. Code 10667; July 18, 2008

- 15) Summary and Purpose of Rulemaking: Revises eligibility requirement for new applicants seeking in-home and community-based services under the Community Care Program in accordance with Public Act 95-565 by establishing a good faith effort standard and undue hardship exception for enrollment prerequisite in Medical Programs under Article V of the Illinois Public Aid Code.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Karen Alice Kloppe  
Deputy General Counsel  
Illinois Department on Aging  
421 E. Capitol Avenue, #100  
Springfield, Illinois 62701-1789

Phone: 217/785-3346

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

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TITLE 89: SOCIAL SERVICES  
CHAPTER II: DEPARTMENT ON AGING

PART 240  
COMMUNITY CARE PROGRAM

SUBPART A: GENERAL PROGRAM PROVISIONS

Section	
240.100	Community Care Program
240.110	Department Prerogative
240.120	Services Provided
240.130	Maintenance of Effort
240.140	Program Limitations
240.150	Completed Applications Prior to August 1, 1982 (Repealed)
240.160	Definitions

SUBPART B: SERVICE DEFINITIONS

Section	
240.210	Homemaker Service
240.220	Chore-Housekeeping Service (Repealed)
240.230	Adult Day Service
240.240	Information and Referral
240.250	Demonstration/Research Projects
240.260	Case Management Service
240.270	Alternative Provider
240.280	Individual Provider

SUBPART C: RIGHTS AND RESPONSIBILITIES

Section	
240.300	Applicant/Client Rights and Responsibilities
240.310	Right to Apply
240.320	Nondiscrimination
240.330	Freedom of Choice
240.340	Confidentiality/Safeguarding of Case Information
240.350	Applicant/Client/Authorized Representative Cooperation
240.360	Reporting Changes

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240.370 Voluntary Repayment

SUBPART D: APPEALS

Section

- 240.400 Appeals and Fair Hearings
- 240.405 Representation
- 240.410 When the Appeal May Be Filed
- 240.415 What May Be Appealed
- 240.420 Group Appeals
- 240.425 Informal Review
- 240.430 Informal Review Findings
- 240.435 Withdrawing an Appeal
- 240.436 Cancelling an Appeal
- 240.440 Examining Department Records
- 240.445 Hearing Officer
- 240.450 The Hearing
- 240.451 Conduct of Hearing
- 240.455 Continuance of the Hearing
- 240.460 Postponement
- 240.465 Dismissal Due to Non-Appearance
- 240.470 Rescheduling the Appeal Hearing
- 240.475 Recommendations of Hearing Officer
- 240.480 The Appeal Decision
- 240.485 Reviewing the Official Report of the Hearing

SUBPART E: APPLICATION

Section

- 240.510 Application for Community Care Program
- 240.520 Who May Make Application
- 240.530 Date of Application
- 240.540 Statement to be Included on Application

SUBPART F: ELIGIBILITY

Section

- 240.600 Eligibility Requirements
- 240.610 Establishing Eligibility

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240.620	Home Visit
240.630	Determination of Eligibility
240.640	Eligibility Decision
240.650	Continuous Eligibility
240.655	Frequency of Redeterminations
240.660	Extension of Time Limit

## SUBPART G: NON-FINANCIAL REQUIREMENTS

Section	
240.710	Age
240.715	Determination of Need
240.720	Clients Prior to Effective Date of This Section (Repealed)
240.725	Clients After Effective Date of This Section (Repealed)
240.726	Emergency Budget Act Reduction (Repealed)
240.727	Minimum Score Requirements
240.728	Maximum Payment Levels for Homemaker Service
240.729	Maximum Payment Levels for Adult Day Care Service
240.730	Plan of Care
240.735	Supplemental Information
240.740	Assessment of Need
240.750	Citizenship
240.755	Residence
240.760	Furnishing of Social Security Number

## SUBPART H: FINANCIAL REQUIREMENTS

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240.800	Financial Factors
240.810	Assets
240.815	Exempt Assets
240.820	Asset Transfers
240.825	Income
240.830	Unearned Income Exemptions
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240.840	Potential Retirement, Disability and Other Benefits
240.845	Family
240.850	Monthly Average Income
240.855	Applicant/Client Expense for Care

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240.860	Change in Income
240.865	Application For Medical Assistance (Medicaid)
240.870	Determination of Applicant/Client Monthly Expense for Care
240.875	Client Responsibility

## SUBPART I: DISPOSITION OF DETERMINATION

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240.905	Prohibition of Institutionalized Individuals From Receiving Community Care Program Services
240.910	Written Notification
240.915	Service Provision
240.920	Reasons for Denial
240.925	Frequency of Redeterminations (Renumbered)
240.930	Suspension of Services
240.935	Discontinuance of Services to Clients
240.940	Penalty Payments
240.945	Notification
240.950	Reasons for Termination
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## SUBPART J: SPECIAL SERVICES

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240.1010	Nursing Facility Screening
240.1020	Interim Services
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## SUBPART K: TRANSFERS

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240.1110	Individual Transfer Request – Vendor to Vendor – No Change in Service
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240.1130	Individual Transfers – Case Coordination Unit to Case Coordination Unit
240.1140	Transfer of Pending Applications
240.1150	Interagency Transfers
240.1160	Temporary Transfers – Case Coordination Unit to Case Coordination Unit
240.1170	Caseload Transfer – Vendor to Vendor

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240.1180 Caseload Transfer – Case Coordination Unit to Case Coordination Unit

## SUBPART L: ADMINISTRATIVE SERVICE CONTRACT

## Section

240.1210 Administrative Service Contract

## SUBPART M: CASE COORDINATION UNITS AND PROVIDERS

## Section

240.1310 Standard Contractual Requirements for Case Coordination Units and Providers  
240.1320 Vendor or Case Coordination Unit Fraud/Illegal or Criminal Acts  
240.1330 General Vendor and CCU Responsibilities (Repealed)  
240.1396 Payment for Services (Repealed)  
240.1397 Purchases and Contracts (Repealed)  
240.1398 Safeguarding Case Information (Repealed)  
240.1399 Suspension/Termination of a Vendor or Case Coordination Unit (CCU)

## SUBPART N: CASE COORDINATION UNITS

## Section

240.1400 Community Care Program Case Management  
240.1410 Case Coordination Unit Administrative Minimum Standards  
240.1420 Case Coordination Unit Responsibilities  
240.1430 Case Management Staff Positions, Qualifications and Responsibilities  
240.1440 Training Requirements For Case Management Supervisors and Case Managers

## SUBPART O: PROVIDERS

## Section

240.1510 Provider Administrative Minimum Standards  
240.1520 Provider Responsibilities  
240.1530 General Homemaker Staffing Requirements  
240.1535 Homemaker Staff Positions, Qualifications and Responsibilities  
240.1540 General Chore-Housekeeping Staffing Requirements (Repealed)  
240.1545 Chore-Housekeeping Staff Positions, Qualifications and Responsibilities (Repealed)  
240.1550 Standard Requirements for Adult Day Service Providers  
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240.1560	Adult Day Service Staff
240.1565	Adult Day Service Satellite Sites
240.1570	Service Availability Expansion
240.1575	Adult Day Care Site Relocation
240.1580	Standards for Alternative Providers
240.1590	Standard Requirements for Individual Provider Services

## SUBPART P: PROVIDER PROCUREMENT

## Section

240.1600	Provider Contract
240.1605	Procuring Provider Services
240.1610	Procurement Cycle for Provider Services (Repealed)
240.1620	Issuance of Provider Proposal and Guidelines
240.1625	Content of Provider Proposal and Guidelines
240.1630	Criteria for Number of Provider Contracts Awarded
240.1635	Evaluation of Provider Proposals
240.1640	Determination and Notification of Provider Awards
240.1645	Objection to Procurement Action Determination
240.1650	Classification, Identification and Receipt of Provider Service Violations
240.1655	Method of Identification of Provider Service Violations (Repealed)
240.1660	Provider Performance Reviews
240.1661	Provider and Case Coordination Unit Right to Appeal
240.1665	Contract Actions for Failure to Comply with Community Care Program Requirements

## SUBPART Q: CASE COORDINATION UNIT PROCUREMENT

## Section

240.1710	Procurement Cycle For Case Management Services
240.1720	Case Coordination Unit Performance Review

## SUBPART R: ADVISORY COMMITTEE

## Section

240.1800	Community Care Program Advisory Committee
240.1850	Technical Rate Review Advisory Committee (Repealed)

## SUBPART S: PROVIDER RATES

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## Section

240.1910	Establishment of Fixed Unit Rates
240.1920	Contract Specific Variations
240.1930	Fixed Unit Rate of Reimbursement for Homemaker Service
240.1940	Fixed Unit Rates of Reimbursement for Adult Day Service and Transportation
240.1950	Adult Day Care Fixed Unit Reimbursement Rates
240.1960	Case Management Fixed Unit Reimbursement Rates

## SUBPART T: FINANCIAL REPORTING

## Section

240.2020	Financial Reporting of Homemaker Service
240.2030	Unallowable Costs for Homemaker Service
240.2040	Minimum Direct Service Worker Costs for Homemaker Service
240.2050	Cost Categories for Homemaker Service

AUTHORITY: Implementing Section 4.02 and authorized by Section 4.01(11) of the Illinois Act on the Aging [20 ILCS 105/4.02 and 4.01(11)].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendment at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendment at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 14011, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendment at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendment at 15 Ill. Reg. 2838, effective February 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 10351, effective July 1, 1991; emergency amendment at 15 Ill. Reg. 14593, effective October 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 17398, effective November 15, 1991, for a maximum of 150 days; emergency amendment suspended at 16 Ill. Reg. 1744; emergency amendment modified in response to a suspension by the Joint Committee on Administrative

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Rules and reinstated at 16 Ill. Reg. 2943; amended at 15 Ill. Reg. 18568, effective December 13, 1991; emergency amendment at 16 Ill. Reg. 2630, effective February 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 2901, effective February 6, 1992, to expire June 30, 1992; emergency amendment at 16 Ill. Reg. 4069, effective February 28, 1992, to expire June 30, 1992; amended at 16 Ill. Reg. 11403, effective June 30, 1992; emergency amendment at 16 Ill. Reg. 11625, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11731, effective June 30, 1992; emergency rule added at 16 Ill. Reg. 12615, effective July 23, 1992, for a maximum of 150 days; modified at 16 Ill. Reg. 16680; amended at 16 Ill. Reg. 14565, effective September 8, 1992; amended at 16 Ill. Reg. 18767, effective November 27, 1992; amended at 17 Ill. Reg. 224, effective December 29, 1992; amended at 17 Ill. Reg. 6090, effective April 7, 1993; amended at 18 Ill. Reg. 609, effective February 1, 1994; emergency amendment at 18 Ill. Reg. 5348, effective March 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 13375, effective August 19, 1994; amended at 19 Ill. Reg. 9085, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10186, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12693, effective August 25, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16031, effective November 20, 1995; amended at 19 Ill. Reg. 16523, effective December 1, 1995; amended at 20 Ill. Reg. 1493, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 5388, effective March 22, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8995, effective July 1, 1996; amended at 20 Ill. Reg. 10597, effective August 1, 1996; amended at 21 Ill. Reg. 887, effective January 10, 1997; amended at 21 Ill. Reg. 6183, effective May 15, 1997; amended at 21 Ill. Reg. 12418, effective September 1, 1997; amended at 22 Ill. Reg. 3415, effective February 1, 1998; amended at 23 Ill. Reg. 2496, effective February 1, 1999; amended at 23 Ill. Reg. 5642, effective May 1, 1999; amended at 26 Ill. Reg. 9668, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10829, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17358, effective November 25, 2002; emergency amendment at 28 Ill. Reg. 923, effective December 26, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 7611, effective May 21, 2004; emergency amendment at 30 Ill. Reg. 10117, effective June 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 11767, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 16281, effective September 29, 2006; amended at 30 Ill. Reg. 17756, effective October 26, 2006; amended at 32 Ill. Reg. 7588, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10940, effective July 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 17929, effective November 10, 2008.

## SUBPART H: FINANCIAL REQUIREMENTS

**Section 240.865 Application For Medical Assistance (Medicaid)**

Effective ~~June~~~~July~~ 1, ~~2008~~~~2002~~, applicants/~~clients~~ will be required to make a good faith effort to

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apply for and, if financially eligible, enroll in medical assistance ~~(Medicaid)~~ under Article V of the Illinois Public Aid Code as a condition of eligibility for the Community Care Program (CCP).

- a) Exceptions to this enrollment requirement will be allowed only if the case manager can verify that:
  - 1) a denial was issued in response to a medical assistance application within the prior 24-month period and there is no action that can be taken by the applicant to become eligible for the program;
  - 2) the value of non-exempt assets that are owned by the applicant exceeds twice the level of the asset disregard limit for medical assistance;
  - 3) the applicant is prohibited from enrolling in medical assistance due to immigration status;
  - 4) the applicant has proof of private, creditable health insurance or U.S. Department of Veterans Affairs benefits and/or coverage for a spouse for the next 12-month period of time; or
  - 5) compelling circumstances exist making such effort an undue hardship on the applicants (e.g., the unavailability of documentation, a disability or chronic physical impairment of the applicant renders him or her unable to participate in the eligibility determination process, refusal to enroll in medical assistance would result in denial or termination of service that places the applicant/client at imminent risk of nursing facility placement within 3 work days, etc.).
  
- b) The case manager shall, when needed:
  - 1) provide the applicant with a copy of the mail-in medical assistance application;
  - 2) assist the applicant with completing the application; and
  - 3) submit the application to the applicant's local Family Community Resource Center (FCRC).

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- c) [A good faith effort includes obtaining, completing and submitting a medical assistance application, together with any required supporting documentation.](#)
- d) [Services shall be provided to applicants by the Department during the period in which a medical assistance application is pending.](#)
- e) Although applicants/~~clients~~ must agree to apply for [and, if financially eligible, enroll in](#) medical assistance (~~Medicaid~~), applicants/~~clients~~ are not required to meet the eligibility criteria for [medical assistance under Article V of the Illinois Public Aid Code](#)~~Medicaid~~ to receive benefits under the Community Care Program.

(Source: Amended at 32 Ill. Reg. 17929, effective November 10, 2008)

## SUBPART I: DISPOSITION OF DETERMINATION

**Section 240.920 Reasons for Denial**

Denial of Community Care Program (CCP) eligibility shall be based upon one or more of the reasons identified [in this Section](#)~~below~~:

- a) Applicant is less than 60 years of age at the time of the determination of eligibility.
- b) Applicant is not in need of CCP services: scored less than 29 total points/less than 15 points on Part A, Level of Impairment, of the Determination of Need.
- c) Applicant/authorized representative refuses to sign Client Agreement – Plan of Care.
- d) Applicant/authorized representative refuses to sign Client Agreement – Plan of Care based upon the expense to be incurred monthly as required on the Client Agreement – Plan of Care.
- e) Applicant/authorized representative does not agree with plan of care/hours of service.
- f) Applicant is deceased.
- g) Applicant has been institutionalized for more than 60 calendar days from the date

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of application.

- h) Applicant/authorized representative voluntarily withdraws application.
- i) Applicant cannot be located to determine eligibility for or to provide CCP services.
- j) Applicant/authorized representative has not provided reasonable documentation supporting eligibility as required by the Department or its Case Coordination Unit (CCU) within 90 calendar days after~~from~~ the date of receipt of the completed application.
- k) Applicant/authorized representative has not cooperated with the Department/CCU/vendor as required and as specified by Section 240.350.
- l) Applicant does not meet citizenship requirements.
- m) Applicant does not meet residency requirements.
- n) A plan of care cannot be developed that adequately meets the applicant's determined needs.
  - 1) The determination that an adequate plan of care cannot be developed shall be sought first through the Physician/Nurse Practitioner/Registered Nurse/Christian Science Practitioner endorsement. Failure to obtain the supportive endorsement that an adequate plan of care cannot be developed shall be so documented.
  - 2) If the Physician/Nurse Practitioner/Registered Nurse/Christian Science Practitioner fails to provide the supportive endorsement, the CCU shall make the determination that an adequate plan of care cannot be developed in accordance with Section 240.715.
- o) The total value of applicant's non-exempt assets is in excess of \$17,500.
- p) Applicant has not provided the Physician, Nurse Practitioner, Registered Nurse or Christian Science Practitioner endorsement as required by Section 240.730(d).
- q) Eligibility could not be established for an applicant who was receiving interim

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services based upon presumptive eligibility as required by Section 240.1020 [and Section 240.865](#).

- r) Applicant/authorized representative provided fraudulent information.
- s) Applicant whose CCP services were previously denied or terminated for non-cooperation as set forth in Section 240.350 shall be denied services upon re-application, except as the situation or condition which led to the memorandum of understanding (see Section 240.350) has been permanently resolved.
- t) Applicant has an outstanding bill for CCP services provided prior to this application which he/she refuses to pay.
- u) Applicant chooses not to receive CCP services from the list of authorized vendors and has so indicated on the Client's Vendor Selection form.
- v) Applicant received interim services in the past for which an incurred expense was never paid.
- w) Applicant has transferred non-exempt assets within the past 36 months for the purpose of obtaining CCP services.
- x) Applicant/authorized representative has not reported or refused to provide documentation of changes in circumstances which have occurred prior to eligibility determination as required by Section 240.360.
- y) ~~Applicant~~ [Effective July 1, 2002, applicant](#) refuses to apply for [and, if eligible, enroll in](#) medical assistance (~~Medicaid~~) under Article V of the Illinois Public Aid Code [305 ILCS 5/Art. V] [as required by Section 240.865](#).

(Source: Amended at 32 Ill. Reg. 17929, effective November 10, 2008)

**Section 240.950 Reasons for Termination**

A client shall be terminated from the Community Care Program (CCP) for one or more of the reasons identified [in this Section](#) below:

- a) client is deceased;

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- b) client is an in-patient of any institution or is otherwise not available for services for more than 60 calendar days;
- c) client's condition has improved and there is no longer a need for CCP services as measured by the CCP Determination of Need (DON);
- d) client cannot be located;
- e) client has requested termination of services;
- f) client refuses transfer to a different vendor/Case Coordination Unit (CCU) and the current vendor/CCU cannot provide services needed by the client;
- g) client has failed to cooperate with the Department/CCU/vendor as required and as specified in Section 240.350;
- h) client no longer meets citizenship requirements;
- i) client no longer meets residency requirements;
- j) a plan of care cannot be developed that adequately meets the client's determined needs in accordance with Section 240.715.
  - 1) Such determination shall be sought first through the Physician/Nurse Practitioner/Registered Nurse/Christian Science Practitioner endorsement. Failure to obtain the endorsement shall be so documented.
  - 2) If the Physician/Nurse Practitioner/Registered Nurse/Christian Science Practitioner fails to provide the supportive endorsement, the CCU shall make the determination that an adequate plan of care (see Section 240.730(d)) cannot be developed;
- k) client's non-exempt assets have increased and exceed \$17,500([see Section 240.810\(a\)](#));
- l) client failed to report the transfer of non-exempt assets as required by Section 240.820;
- m) client, initially determined eligible prior to July 6, 1982 (see Section 240.800(a))

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and (b)), who has had continuous service since that time, refuses to declare income/assets upon redetermination;

- n) client has failed to report or refused to provide documentation of changes in circumstances as required by Section 240.360;
- o) client refuses to sign a Client Agreement – Plan of Care (see Section 240.855(c));
- p) client rejects CCP services under Section 240.330 and has so indicated on the Client's Vendor Selection form; [or](#)
- q) a client, whose CCP services were discontinued for non-payment of incurred expense for care, has not made payment for the indebtedness, and has not received CCP services for more than one year (see Section 240.935(e)); ~~or~~
- r) ~~effective July 1, 2002, client refuses to apply for medical assistance (Medicaid) under Article V of the Illinois Public Aid Code [305 ILCS 5/Art. V].~~

(Source: Amended at 32 Ill. Reg. 17929, effective November 10, 2008)

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- 1) Heading of the Part: Riverboat Gambling
- 2) Code Citation: 86 Ill. Adm. Code 3000
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
3000.100	Amendment
3000.660	Amendment
3000.661	Amendment
3000.670	Amendment
- 4) Statutory Authority: Authorized by the Riverboat Gambling Act [230 ILCS 10], specifically Sections 5(c)(2)(3) and (6) of this Act [230 ILCS 10/5(c)(2)(3) and (6)]
- 5) Effective date of Amendments: November 5, 2008
- 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 amendments, including any material incorporated by reference, is on file in the Gaming Board's principal office and is available for public inspection.
- 9) Notice of proposal published in Illinois Register: July 25, 2008; 32 Ill. Reg. 11285
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
3000.636	Amendment	32 Ill. Reg. 10773; July 18, 2008

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- 15) Summary and Purpose of Amendments: The adopted amendment will allow licensed owners and suppliers to remotely access computer management systems for purposes of program and system upgrades, equipment maintenance and corporate information retrieval. Remote access has become possible because of advancements in technology and is now the industry standard. In gaming jurisdictions where it has been implemented, remote access has brought about cost and labor efficiencies, as well as quicker problem resolution.
- 16) Information and Questions regarding these adopted amendments may be addressed to:

Michael Fries  
Chief Counsel  
Illinois Gaming Board  
160 North LaSalle Street  
Chicago, Illinois 60601

312/814-4640  
Fax No 312/814-4143  
[mfries@revenue.state.il.us](mailto:mfries@revenue.state.il.us)

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

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TITLE 86: REVENUE  
CHAPTER IV: ILLINOIS GAMING BOARDPART 3000  
RIVERBOAT GAMBLING

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3000.1155	Transmittal of Record and Recommendation to the Board

AUTHORITY: Implementing and authorized by the Riverboat Gambling Act [230 ILCS 10].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, 1996; amended at 21 Ill. Reg. 4642, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 14566, effective October 22, 1997, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 978, effective December 29, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4390, effective February 20, 1998; amended at 22 Ill. Reg. 10449, effective May 27, 1998; amended at 22 Ill. Reg. 17324, effective September 21, 1998; amended at 22 Ill. Reg. 19541, effective October 23, 1998; emergency amendment at 23 Ill. Reg. 8191, effective July 2, 1999 for a maximum of 150 days; emergency expired November 28, 1999; amended at 23 Ill. Reg. 8996, effective August 2, 1999; amended at 24 Ill. Reg. 1037, effective January 10, 2000; amended at 25 Ill. Reg. 94, effective January 8, 2001; amended at 25 Ill. Reg. 13292, effective October 5, 2001; proposed amended at 26 Ill. Reg. 9307, effective June 14, 2002; emergency amendment adopted at 26 Ill. Reg. 10984, effective July 1, 2002, for a maximum of 150 days; adopted at 26 Ill. Reg. 15296, effective October 11, 2002; amended at 26 Ill. Reg. 17408, effective November 22, 2002; emergency amendment at 27 Ill. Reg. 10503, effective June 30, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 15793, effective September 25, 2003; amended at 27 Ill. Reg. 18595, effective November 25, 2003; amended at 28 Ill. Reg. 12824, effective August 31, 2004; amended at 32 Ill. Reg. 8098, effective June 14, 2007; amended at 32 Ill. Reg. 2967, effective February 15, 2008; amended at 32 Ill. Reg. 3275, effective February 19, 2008; amended

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at 32 Ill. Reg. 7357, effective April 28, 2008; amended at 32 Ill. Reg. 8592, effective May 29, 2008; amended at 32 Ill. Reg. 8931, effective June 4, 2008; amended at 32 Ill. Reg. 13200, effective July 22, 2008; amended at 32 Ill. Reg. 17946, effective November 5, 2008.

## SUBPART A: GENERAL PROVISIONS

**Section 3000.100 Definitions**

For purposes of this Part the following terms shall have the following meanings:

"Act": The Riverboat Gambling Act [230 ILCS 10].

"Affiliate": An "Affiliate of", or person "Affiliated with", a specified person shall mean a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, such person.

"Alcoholic Liquors": Includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being.

"Attributed Interest": A direct or indirect interest in a Business Entity deemed to be held by a person not through the person's actual holdings but either through the holdings of the person's relatives or through a third party or parties on behalf of the person pursuant to a plan, arrangement or agreement.

"Bill Validator": Any electro-mechanical device attached either on or into an Electronic Gaming Device which accepts and analyzes the legitimacy of United States currency and/or Vouchers, validates the currency and/or Vouchers, stores the currency and/or Vouchers, and issues Electronic Credits equal to the value of currency and/or Vouchers inserted into the device.

"Board": The Illinois Gaming Board.

"Business Entity": A partnership, incorporated or unincorporated association or group, firm, corporation, limited liability company, partnership for shares, trust, sole proprietorship or other business enterprise.

"Chip": A non-metal or partly metal representative of value, redeemable for cash, and issued and sold by a holder of an Owner's license for use in Gaming other

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than in Electronic Gaming Devices on such holder's Riverboat or Riverboats.

"Chip Float": The difference between the total face value of Chips received from vendors and the total face value of Chips accounted for through an inventory conducted by the Riverboat Gaming Operation.

"Computer Monitoring System": The gaming related system used to provide on-line, real-time monitoring of Electronic Gaming Devices and data acquisition capability in the format and media approved by the Administrator.

"Dependent": Any individual who received over half of his support in a calendar year from any other individual.

"Electronic Card": A card purchased from a holder of an Owner's license for use on that holder's Riverboat Gaming Operation as a substitute for Tokens in the conduct of gaming on an Electronic Gaming Device.

"Electronic Credit": A value owed to a patron on an Electronic Gaming Device.

"Electronic Gaming Device": Includes as approved Games under Section 3000.605 Single-Position Reel-Type, Single-Position Single-Game Video and Single-Position Multi-Game Video Electronic Gaming Devices.

"Electronic Gaming Device Drop": The total face value of Tokens or representations of Tokens (including without limitation foreign Tokens and slugs) collected from the drop bucket and United States currency and/or Vouchers collected from the Bill Validator drop box.

"Electronic Gaming Device Win": The Electronic Gaming Device Drop minus hand-paid jackpots minus hopper fills minus Vouchers issued.

"EPROM": An acronym for Erasable, Programmable, Read Only Memory, which is a microprocessor component that stores memory and affects payout percentage and/or contains a random number generator that selects the outcome of a Game on an Electronic Gaming Device.

"Excluded Person": Any person whose name appears on any Exclusion List, or any person whose name does not appear on an Exclusion List but who is excluded or ejected pursuant to Section 5(c)(12) of the Act or as a result of meeting one or

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more of the criteria in Section 3000.720 of this Part.

"Exclusion List": A list or lists which contain the identities of persons who are to be excluded or ejected from any licensed Gaming operation in any jurisdiction. The list may include any person whose reputation or conduct is such that his presence within a Riverboat Gaming Operation may, in the opinion of the Board or the Administrator, call into question the honesty or integrity of the Gaming operation or pose a threat to the interests of the State of Illinois.

"Expiration Date": The one-year period, starting on the day of issuance, during which Vouchers may be redeemed for United States currency at a cashier's cage of a Riverboat Gaming Operation.

"Game": A gambling activity which is played for money, property, or anything of value, including without limitation those played with cards, Chips, Tokens, dice, implements, or electronic, electrical, or mechanical devices or machines.

"Gaming": The dealing, operating, carrying on, conducting, maintaining or exposing for play of any Game.

"Gaming Equipment/Supplies": A machine, mechanism, device, or implement which is integral to the operation of a Game or affects the result of a Game by determining win or loss, including without limitation: electronic, electrical, or mechanical devices or machines; cards or dice; layouts for Live Gaming Devices; any representative of value used with any Game, including without limitation Chips, Tokens, or Electronic Cards; Voucher Systems; Voucher Printers; Voucher Validation Terminals; Computer Monitoring Systems; and hardware and software related to any item described herein.

"Gaming Operations Manager": A person or business entity other than the holder of an Owner's license who has the ultimate responsibility to manage, direct or administer the conducting of Gaming.

"Hand": Either one Game in a series, one deal in a card Game, or the cards held by a player.

"Indirect Interest": An interest in a Business Entity that is deemed to be held by the holder of an Owner's license not through the holder's actual holdings in the business entity but through the holder's holdings in other business entities.

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"Institutional Investor": A "qualified institutional buyer" as defined by Securities and Exchange Commission Rule 144A (17 CFR 230.144A) under the Securities Act of 1933, as amended.

"Internal Control System": Proprietary internal procedures and administration and accounting controls designed by the holder of an Owner's license for the purpose of exercising control over the Riverboat Gaming Operation.

"Junketeer": A person or entity that facilitates a patron's participation in gaming at a Riverboat Gaming Operation and is compensated, not as an employee but as an independent contractor, by that Operation based upon how much the patron actually wagers or loses.

"Key Person": A Person identified by the Board under Section 3000.222 as subject to regulatory approval as a Person able to control, or exercise significant influence over, the management, assets, or operating policies of an owner or supplier licensee.

"Live Gaming Device": Any apparatus, other than an Electronic Gaming Device, upon which Gaming is conducted or which determines an outcome which is the object of a wager. This definition includes but is not limited to roulette wheels, keno machines, punchboard tickets and tables with layouts utilized in Games approved by the Board.

"Marketing Agent": A person or entity, other than a junketeer or an employee of a Riverboat Gaming Operation, who is compensated by the Riverboat Gaming Operation in excess of \$100 per patron per trip for identifying and recruiting patrons.

"Non-Alterable Storage Media": An electronic storage medium that contains the program files that operate the game, which medium cannot be altered through the use of the circuitry or programming of the gaming device.

"Non-Value Chip": A Chip, clearly and permanently impressed, engraved or imprinted with the name of the Riverboat Gaming Operation, but bearing no value designation.

"Notice of Board Action": A Notice of Denial, Restriction, Suspension,

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Revocation, Nonrenewal, Fine, Exclusion or other action issued by the Board.

"Parent Company": A "parent company" of a specified person is an affiliate controlling such person directly, or indirectly through one or more intermediaries.

"Payout": Winnings earned on a wager.

"Person": "Person" includes both individuals and Business Entities.

"Petitioner": An applicant, licensee, or Excluded Person who requests a hearing upon issuance of a Notice of Board Action.

"Progressive Controller": The hardware and software that controls all communications among the machines within a progressive Electronic Gaming Device link and its associated progressive meter.

"Progressive Jackpot": An award for winning play in a Game, the value of which is determined by the contribution of a portion of each Wager placed into play or the combined amount of several wagers linked to a common jackpot award.

"Redemption Period": The 120-day period during which a Voucher may be used to acquire electronic credits from an Electronic Gaming Device or to obtain United States currency from a Voucher Validation Terminal. After their Redemption dates and prior to their Expiration dates, Vouchers may be redeemed for United States currency only at a cashier cage of a Riverboat Gaming Operation.

"Relative": Spouse, parents, grandparents, children, siblings, uncles, aunts, nephews, nieces, fathers-in-law, mothers-in-law, sons-in-law, daughters-in-law, brothers-in-law, and sisters-in-law, whether by the whole or half blood, by marriage, adoption or natural relationship, and Dependents.

["Remote Access": Communication with an electronic information system from a remote location or facility through a data link.](#)

"Riverboat": A navigable vessel or a permanently moored vessel comprised of one or more barges that are permanently attached to operate as one barge.

"Riverboat Gaming Operation": The owner licensee, Gaming Operations

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Manager, or, as the context requires, the conducting of Gaming and all related activities, including without limitation the purveying of food, beverages, retail goods and services, and transportation, on a Riverboat and at its Support Facilities.

"Signature": The definitive identity of an individual specific EPROM chip or other non-alterable storage media, determined by electronic analysis and reflective of the EPROM chip's game behavior capability.

"Substantial Owner": A person who has an ownership interest of 25% or more in a Business Entity.

"Supplier": Either a Gaming Operations Manager or a provider of Gaming Equipment, Gaming Equipment maintenance or repair services, security services or lessor of a Riverboat or dock facilities or a provider of any goods or services where payment is calculated by a percentage of a Riverboat Gaming Operation's revenues.

"Support Facility": A place of business which is part of, or operates in conjunction with, a Riverboat Gaming Operation and is owned in whole or in part by a holder of an Owner's or Supplier's license or any of their Key Persons, including without limitation Riverboats, offices, docking facilities, parking facilities, and land-based hotels or restaurants.

"Table Drop": The total amount of cash or cash equivalents contained in the drop box for Chips purchased at a Live Gaming Device.

"Table Win": The dollar amount won by the holder of an Owner's license through play at a live Game which is the total of the Table Drop plus ending Chip inventory plus credits minus opening Chip inventory minus fills.

"Theoretical Payout Percentage": The percentage of Tokens or Electronic Credits from amounts wagered that will be returned to players by an Electronic Gaming Device.

"Token": A metal representative of value, redeemable for cash only at the issuing Riverboat Gaming Operation, and issued and sold by a holder of an Owner's license for use in Gaming.

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"Token Dispenser": Any mechanical or electrical device designed for the purpose of dispensing an amount of Tokens equal to the amount of currency inserted into the device.

"Token Float": The difference between the total face value of Tokens received from vendors and the total face value of Tokens accounted for through an inventory conducted by the Riverboat Gaming Operation.

"Tournament EPROM": A specially designed EPROM with a mode of play that provides for a mathematically demonstrable payout of more than 100 percent.

"Value Chip": A Chip, clearly and permanently impressed, engraved or imprinted with the name of the Riverboat Gaming Operation and the specific value of the Chip.

"Voucher": A printed paper scrip representing the value in United States currency stated on the face of the scrip that is issued by a Voucher Printer connected to an Electronic Gaming Device at a Riverboat Gaming Operation and which scrip is redeemable for electronic credits or United States currency and is not a coupon or other promotional item.

"Voucher Float": The difference between the total face value of unexpired Vouchers issued by a Riverboat Gaming Operation and the total face value of Vouchers accounted for by the Riverboat Gaming Operation as redeemed or expired.

"Voucher Printer": A device designed for the purpose of issuing Vouchers at Electronic Gaming Devices at a Riverboat Gaming Operation.

"Voucher System": The hardware and software used to issue and validate Vouchers, record redemptions and account for Vouchers.

"Voucher Validation Terminal": A hard-wired and interfaced device that accepts Vouchers and communicates the Voucher information to the Voucher System for the System to validate the information. If the System confirms that the Voucher is valid, the terminal then stores the Voucher and issues United States currency equal to the value of the Voucher.

"Wager": A sum of money or thing of value risked.

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(Source: Amended at 32 Ill. Reg. 17946, effective November 5, 2008)

## SUBPART F: CONDUCT OF GAMING

**Section 3000.660 Minimum Standards for Electronic Gaming Devices**

- a) Electronic Gaming Devices shall pay out a mathematically demonstrable percentage of all amounts Wagered, which must not be less than 80% nor more than 100% unless otherwise approved by the Administrator. Electronic Gaming Devices that may be affected by player skill must meet this standard when using a method of play that will provide the greatest return to the player over a period of continuous play.
- b) Electronic Gaming Devices shall, at a minimum:
  - 1) Be controlled by a microprocessor or the equivalent;
  - 2) Be compatible to on-line data monitoring;
  - 3) Contain an EPROM or Non-Alterable Storage Media that has been approved by the Administrator subsequent to a review of the EPROM or Non-Alterable Storage Media by an independent laboratory designated by the Administrator;
  - 4) Have a separate locked internal enclosure within the device for the circuit board containing the EPROM and for all non-alterable storage media program storage that has an effect on the game's integrity; if using Non-Alterable Storage Media, provide a security device or protocol approved by the Administrator to guarantee program inaccessibility by other than by an approved method and personnel and only in the presence of a Gaming Board agent;
  - 5) Be able to continue a Game with no data loss after a power failure;
  - 6) Have previous and current Game data recall;
  - 7) Have a random selection process that must not produce detectable patterns of Game elements or detectable dependency upon any previous Game

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outcome, the amount Wagered, or upon the style or method of play;

- 8) Clearly display applicable rules of play and the payout schedule;
  - 9) Display an accurate representation of each Game outcome. After selection of the Game outcome, the Electronic Gaming Device must not make a variable secondary decision which affects the result shown to the player;
  - 10) Have a complete set of nonvolatile meters including amounts wagered, amounts awarded, amounts redeemed, total Vouchers issued, total quantity of Vouchers issued and United States currency, Vouchers, and Tokens dropped;
  - 11) Make available for random selection at the initiation of each play each possible permutation or combination of Game elements which produce winning or losing Game outcomes;
  - 12) Not automatically alter pay-tables or any function of the Electronic Gaming Device based on internal computation of the hold percentage; and
  - 13) If interfaced with a Voucher System, meet the minimum requirements for a Voucher System as set forth in this Part.
- c) When an Electronic Gaming Device is unable to drop sufficient Tokens or issue a Voucher in a sufficient amount for payment of jackpots requiring the payment to be made by the Riverboat, jackpot payout tickets must be prepared containing the following information:
- 1) The location of the Electronic Gaming Device;
  - 2) The date;
  - 3) The time of day;
  - 4) The Electronic Gaming Device number;
  - 5) The amount of the jackpot payout in numeric form if the ticket is machine generated, or in written and numeric form if the ticket is prepared manually;

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- 6) The signature of the holder of an Owner's license or Riverboat Gaming Operation employee making the payment; and
  - 7) A signature of at least one other Riverboat Gaming Operation employee attesting to the accuracy of the form.
- d) Electronic Gaming Devices linked to any Progressive Jackpot system shall meet the following specifications:
- 1) The value of a Progressive Jackpot shall be clearly displayed above the interlinked Electronic Gaming Devices, and metered incrementally by a Progressive Controller. Any Electronic Gaming Device that offers a Progressive Jackpot, or that is linked to a Progressive Jackpot, must prominently display a manufacturer-supplied glass indicating either that a Progressive Jackpot is to be paid or indicating the current amount of the jackpot. All Electronic Gaming Devices linked and contributing to a common Progressive Jackpot shall have the same probability of hitting the combination that will award the Progressive Jackpot;
  - 2) A Progressive Jackpot may be transferred to another progressive Electronic Gaming Device at the same location in the event of a device malfunction or replacement, with approval of the Administrator;
  - 3) A holder of an Owner's license may impose a limit on the Progressive Jackpot of Electronic Gaming Devices which are linked to any Progressive Controller;
  - 4) No Progressive Jackpot indicator shall be cancelled or turned back to a lesser amount unless one of the following circumstances occurs:
    - A) The amount shown on the progressive meter is paid to a player as a jackpot;
    - B) It becomes necessary to adjust the progressive meter to prevent the jackpot indicator from displaying an amount greater than the limit imposed by the Riverboat Gaming Operation pursuant to subsection (d)(3) of this Section; and

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- C) It becomes necessary to change the jackpot indicator because of an Electronic Gaming Device malfunction, in which case such malfunction and adjustment must be recorded by appropriate Electronic Gaming Device monitoring on-line data system;
- 5) A holder of an Owner's license who is liable for payment of a Progressive Jackpot must secure the amount of same by a cash deposit, a performance bond, or a security instrument nationally recognized in the Gaming industry. The Administrator must approve all deposits, bonds, or other instruments, and the security instrument must be secured in a method approved by the Administrator.
- e) The Administrator may approve, for use in a Tournament involving Electronic Gaming Devices, a Tournament EPROM subject to the following requirements:
  - 1) The Tournament EPROM has been tested and approved for use as may be required by the Administrator.
  - 2) The installation, use and secure storage of the Tournament EPROM is provided for in the Internal Control System of the Riverboat Gaming Operation.
  - 3) The Tournament EPROM is installed and removed from an Electronic Gaming Device only in the presence of a Board agent.
  - 4) An Electronic Gaming Device is rendered unavailable for wagering or play, except in the conduct of a Tournament, when a Tournament EPROM is installed in the Electronic Gaming Device.
  - 5) As applicable, the Administrator has waived or modified the data reporting and monitoring requirements of Section 3000.670 so as to prevent inapplicable Tournament payout information from being used in the calculation of Adjusted Gross Receipts.
  - 6) Patrons engaging in a Tournament have been given proper information as to the effect that play with a Tournament EPROM has on the rules of play and the payout information that is posted on Electronic Gaming Devices used in the Tournament.

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- f) The use of remote access is prohibited [unless the Administrator has approved internal controls that specifically address remote access procedures.](#)

(Source: Amended at 32 Ill. Reg. 17946, effective November 5, 2008)

**Section 3000.661 Minimum Standards for Voucher Systems**

A Voucher System shall, at a minimum:

- a) Perform the following minimum functions to control access to the System:
- 1) Generate daily monitoring logs of user access, security incidents and unusual transactions, and immediately notify or cause to immediately notify the Board and the MIS Department pursuant to the Owner licensee's approved Internal Controls of critical security incidents and unusual transactions;
  - 2) Assign rights and privileges to each user, including:
    - A) allowance for the secure administration of user accounts to provide an adequate separation of duties; and
    - B) adequate password parameters, such as lockout, minimum length, and expiration interval;
  - 3) Use appropriate access protocols to restrict unauthorized users from viewing, changing or deleting critical files and directories;
  - 4) Utilize encryption or password protection or equivalent security for files and directories containing critical or sensitive data. If encryption is not used, users shall be restricted from viewing the contents of such files and directories, which at a minimum shall provide for:
    - A) the effective segregation of duties and responsibilities with regard to the system in the MIS Department; and
    - B) the automatic monitoring and recording by the system of access by any person to such files and directories;

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- b) Perform the following minimum functions to control system operations:
  - 1) Validate the identity of those devices from which a transmission is received;
  - 2) Ensure that all data sent through a transmission is completely and accurately received; and
  - 3) Detect the presence of corrupt, or instances of lost, data and, as necessary, reject the transmission;
- c) Perform the following minimum functions to control the integrity of data:
  - 1) Generate or cause to be generated a validation number for each Voucher, either utilizing a unique algorithm, or by such other method approved by the Administrator and the certification laboratory, which method shall prevent the ability to predict the composition of any other validation number generated by the system;
  - 2) Validate the data type and format of all inputs to critical fields and reject any corrupt data;
  - 3) Provide for the automatic and independent recordation of critical data upon issuance of a Voucher and redemption; and
  - 4) Provide for verification of the information contained on a Voucher presented for redemption and for the record of unredeemed Vouchers to a source that separately records and maintains transaction data, or such other compensating procedure as approved by the Administrator and the certification laboratory, which procedure shall independently verify the accuracy of the validation number and value prior to redeeming the Voucher;
- d) Perform the following minimum functions to address business continuity:
  - 1) Utilize data redundancy techniques that ensure system data preservation;

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- 2) Utilize environmental controls, such as uninterruptible power supplies, and fireproof and waterproof materials to protect critical data from natural disaster; and
- 3) Immediately notify or cause to immediately notify the Board pursuant to the Owner licensee's approved Internal Controls and MIS of any malfunction that threatens the integrity of the Voucher System;
- e) Insure that the Voucher System is not capable of issuing or validating a duplicate Voucher on demand;
- f) Insure that if the validation information cannot be sent to the Voucher System, an alternate method of payment is provided:
  - 1) By the Voucher System possessing unique features to identify duplicate Vouchers and prevent fraud by redeeming an unexpired and/or unvalidated Voucher that was previously issued by the EGD; or
  - 2) Pursuant to the Owner licensee's approved Internal Controls;
- g) Insure that once the validation information is stored in the database, the data may not be altered in any way;
- h) Insure that any device that holds Voucher information in its memory shall not allow removal of the information unless it has first transferred that information to the database or other secured components of the Voucher System;
- i) Insure that only designated Vouchers can be issued and redeemed;
- j) Insure that each Voucher System is designed and is operated so as to prevent the use of counterfeit Vouchers, previously redeemed Vouchers, incomplete Vouchers if the validation information is missing, expired Vouchers, or Vouchers issued at other Riverboat Gaming Operations and by other holders of an Owner's license;
- k) Insure that remote access is prohibited [unless the Administrator has approved internal controls that specifically address remote access procedures](#);

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- l) Insure that all Voucher transactions are retained for the prior three years, either on-line or in a media approved by the Administrator and capable of being restored to the Voucher System upon request; and
- m) Insure that Electronic Credits from a Voucher that are not evenly divisible by the minimum wager amount of an Electronic Gaming Device, including the accumulation of fractional amounts from multiple vouchers, are issued to the patron in a Voucher for the full value of the fractional Electronic Credit.

(Source: Amended at 32 Ill. Reg. 17946, effective November 5, 2008)

**Section 3000.670 Computer Monitoring Requirements of Electronic Gaming Devices**

- a) The holder of an Owner's License must have a computer connected to all Electronic Gaming Devices in the Riverboat to record and monitor the activities of such devices. No Electronic Gaming Device shall be operated unless it is on-line and communicating to a Computer Monitoring System approved by the Administrator. Such Computer Monitoring System shall provide on-line, real-time monitoring and data acquisition capability in the format and media approved by the Administrator.
- b) The Computer Monitor System permitted by subsection (a) of this Section shall be designed and operated to automatically perform and report functions relating to Electronic Gaming Device meters, and other exceptional functions and reports in the Riverboat as follows:
  - 1) Record the number and total value of United States currency, Tokens or Vouchers placed in the Electronic Gaming Device for the purpose of activating play;
  - 2) Record the number and total value of Tokens deposited in the drop bucket of the Electronic Gaming Device;
  - 3) Record the number and total value of Tokens automatically paid by the Electronic Gaming Device as the result of a jackpot;
  - 4) Record the number and total value of Tokens to be paid manually as the result of a jackpot;

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- 5) Record the number and total value of Vouchers issued by the Electronic Gaming Device;
  - 6) Record the number and total value of Vouchers and currency received by the Electronic Gaming Device;
  - 7) Have an on-line computer alert, alarm monitoring capability to insure direct scrutiny of any device malfunction, any type of tampering, and any open door to the Electronic Gaming Device, drop area or Voucher Printer. In addition, any person opening the Electronic Gaming Device or the drop area shall complete the machine entry authorization log including time, date, machine identity and reason for entry;
  - 8) Be capable of logging in and reporting any revenue transactions not directly monitored by Token meter, such as Tokens placed in the Electronic Gaming Device as a result of a fill, and any Tokens removed from the Electronic Gaming Device in the form of a credit; and
  - 9) Identify any Electronic Gaming Device taken off-line or placed on-line of the computer monitor system, including date, time, and Electronic Gaming Device identification number.
- c) The holder of an Owner's License shall store, in machine-readable format, all information required by subsection (b) for the period of five years. The holder of an Owner's License shall store all information in a secure area and certify that this information is complete and unaltered. This information shall be available in the format and media approved by the Administrator.
  - d) In addition to the requirements of subsection (c), the owner licensee shall store, in machine-readable format and by date, time and type of occurrence, all exceptions or events that result in an Electronic Gaming Device malfunction or tilt for a period of 21 days.
  - e) The secured office facilities for the sole accessibility of Board personnel provided in accordance with Section 3000.810 of these rules shall house a dedicated computer monitoring line which provides computer accessibility to Board personnel to review, monitor and record data identical to that specified in this Section.

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- f) The use of remote access is prohibited [unless the Administrator has approved internal controls that specifically address remote access procedures.](#)

(Source: Amended at 32 Ill. Reg. 17946, effective November 5, 2008)

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- 1) Heading of the Part: Uniform Limited Partnership Act (2001)
- 2) Code Citation: 14 Ill. Adm. Code 171
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
171.50	Amend
171.85	New
- 4) Statutory Authority: Implemented and authorized by Section 1303 of the Uniform Limited Partnership Act (2001) [805 ILCS 215/1303]
- 5) Effective Date of Rulemaking: December 1, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 8, 2008; 32 Ill. Reg. 13156
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: The proposed language for Section 171.85 was refashioned.
- 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 rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Amend Section 171.50 Additional Requirements for Forms by setting forth the forms used by the Department of Business Services in connection with the requirements of the Uniform Limited Partnership Act (2001) [805 ILCS 216]. Adds Section 171.85 New Practices and Technologies to provide for the development and implementation of new practices and technologies. Note that the

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language used in this new Section conforms to that currently appearing at Section 178.65 of the rules pertaining to the Limited Liability Company Act at 14 Ill. Adm. Code 178.

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

Anthony Gordon, Assistant General Counsel  
Secretary of State  
100 W. Randolph St., Suite 5-400  
Chicago, IL 60601

312/814-9509  
Fax 312/814-5958

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

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TITLE 14: COMMERCE  
SUBTITLE A: REGULATION OF BUSINESS  
CHAPTER I: SECRETARY OF STATEPART 171  
UNIFORM LIMITED PARTNERSHIP ACT (2001)

## Section

171.10	Prohibited Terms in Title
171.15	Improper Names
171.20	Assumed Names
171.25	Definitions
171.30	Applicability
171.35	Filing Location
171.40	Business Hours
171.45	Filing Requirements
171.50	Additional Requirements for Forms
171.55	Payment of Fees
171.60	Sale of Information
171.65	Refunds
171.70	Service of Process
171.75	Interrogatories
171.80	Right to Counsel
<a href="#">171.85</a>	<a href="#">New Practices and Technologies</a>

AUTHORITY: Implementing and authorized by Sections 108, 108.5, 109 and 902 of the Illinois Uniform Limited Partnership Act [805 ILCS 215/108, 108.5, 109 and 902].

SOURCE: Adopted at 29 Ill. Reg. 19696, effective November 28, 2005; amended at 32 Ill. Reg. 346, effective January 7, 2008; amended at 32 Ill. Reg. 17971, effective December 1, 2008.

**Section 171.50 Additional Requirements for Forms**

- a) All documents required by the ULPA to be filed in the Office of the Secretary of State shall be made on the most recent version of forms prescribed and furnished by the Secretary of State. [Fees for the forms can be found at 805 ILCS 215/1302.](#)  
[The Secretary of State employs the following forms:](#)

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- 1) [Form LP 108.5 Application to Adopt, Change or Cancel an Assumed Name \(see 805 ILCS 215/108.5\);](#)
- 2) [Form LP 108.5\(e\) Assumed Name Renewal Application \(see 805 ILCS 215/108.5\(e\)\);](#)
- 3) [Form LP 109 Application to Reserve Name, Cancellation of Reserved Name, Transfer of Reserved Name \(see 805 ILCS 215/109\);](#)
- 4) [Form LP 115 Change of Designated Office or Agent for Service of Process \(see 805 ILCS 215/115\);](#)
- 5) [Form LP 116 Resignation of Agent for Service of Process \(see 805 ILCS 215/116\);](#)
- 6) [Form LP 117 Affidavit of Compliance for Service on Secretary of State \(see 805 ILCS 215/117\);](#)
- 7) [Form LP 201 Certificate of Limited Partnership \(see 805 ILCS 215/201\);](#)
- 8) [Form LP 202 Amendment to the Certificate of Limited Partnership \(see 805 ILCS 215/202\);](#)
- 9) [Form LP 202-RECE Restated Certificate of Limited Partnership \(see 805 ILCS 215/202\);](#)
- 10) [Form LP 203 Statement of Termination of the Certificate of Limited Partnership \(see 805 ILCS 215/203\);](#)
- 11) [Form LP 207 Statement of Correction \(see 805 ILCS 215/207\);](#)
- 12) [Form LP 210 Annual Report \(see 805 ILCS 215/210\);](#)
- 13) [Form LP 810/906.5 Application for Reinstatement \(see 805 ILCS 215/810\);](#)
- 14) [Form LP 902 Application for Certificate of Authority \(see 805 ILCS 215/902\);](#)

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- 15) [Form LP 902.5 Amended Application for Certificate of Authority \(see 805 ILCS 215/902\);](#)
- 16) [Form LP 907 Cancellation of Certificate of Authority \(see 805 ILCS 215/907\);](#)
- 17) [Form LP 1104 Articles of Conversion \(see 805 ILCS 215/1104\);](#)
- 18) [Form LP 1108 Articles of Merger \(see 805 ILCS 215/1108\).](#)

- b) All documents filed with the Department, except the original certificates of limited partnership and applications for admission of a foreign limited partnership shall contain the file number assigned to the partnership by the Department.
- c) All documents and attachments submitted by a limited partnership or limited liability partnership shall be typewritten on 8½ x 11" white paper.

(Source: Amended at 32 Ill. Reg. 17971, effective December 1, 2008)

**Section 171.85 New Practices and Technologies**

The Secretary of State is authorized to accept and file electronically submitted ULPA documents and to store, view and retrieve all ULPA documents and correspondence by means of an electronic storage system.

(Source: Added at 32 Ill. Reg. 17971, effective December 1, 2008)

## STATE RECORDS COMMISSION

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- 1) Heading of the Part: State Records Commission
- 2) Code Citation: 44 Ill. Adm. Code 4400
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
4400.30	Amend
4400.40	Amend
- 4) Statutory Authority: Implementing and authorized by the State Records Act [5 ILCS 160]
- 5) Effective Date of Rulemaking: November 6, 2008
- 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 amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection at the Illinois State Archives, Margaret Cross Norton Building, Springfield, IL 62756.
- 9) Notice of Proposal Published in Illinois Register: December 28, 2007; 31 Ill. Reg. 16785
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:
  1. Changes to Section 4400.22 (Incorporations by Reference) were completely removed because these standards were removed from Section 4400.40.
  2. The first sentence of Section 4400.40 (b) was changed from "All records for which disclosure is prohibited by law or that contain social security numbers or identify a person by name, along with his or her birth date or state identification card or driver's license number, must be destroyed by a lawful secure manner that does not allow for the reconstruction or reuse of the original record information." to "All records where disclosure is prohibited by law; that contain social security, driver's license, or state identification number; or that identify a person by name and birth date must be destroyed by a lawful secure manner that does not allow for the reconstruction or reuse of the original record information."

## STATE RECORDS COMMISSION

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3. The remainder of Section 4400.40 (b) was removed because we are no longer adopting NSA/CSS specifications by reference.
4. At the end of Section 4400.40 (b), we added items 1-4 as follows:
  - "1) Approved methods of destruction for paper based records where disclosure is prohibited by law or that identify a person include: burning; shredding where either a crosscut shredder cutting to a maximum width of 3/8 inches is used or where an industrial sized strip cut shredder is used if it is incorporated with a baler or the shredded paper is further destroyed; pulping using standard wet process pulpers; pulverizing using a dry destruction process that may include the use of hammer mills, choppers, huggers, and disintegrating equipment.
  - 2) Approved methods of destruction for non-paper-based records where disclosure is prohibited by law or that identify a person include: burning in a pyrolytic furnace or other incinerator or incendiary device, destroying in a dry pulverizing system; shredding; grinding, which is defined as abrading through the surface of an optical disc (compact disc); milling; knurling; disintegration; or degaussing. Computer software or hardware must be erased or wiped/sanitized in a manner that prevents retrieval.
  - 3) The handling and transportation of the records designated for destruction must be done in a reasonably secure manner that is designed to prevent public access to the records.
  - 4) The custodian of the records must prepare, sign and keep on file a certificate of destruction that lists what records have been destroyed, the method of destruction, who destroyed the records and the date of destruction."
- 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 rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

STATE RECORDS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rulemaking: Section 4400.30 is changed in order to clarify how Applications for Authority to Dispose of State Records are presented to, and considered by, the State Records Commission. Section 4400.40 is revised to create methods of destruction for records of a confidential nature.
- 16) Information and questions regarding these adopted amendments shall be directed to:

David A. Joens, Chairman  
State Records Commission  
Illinois State Archives  
Springfield, IL 62756

217/782-3492

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

## STATE RECORDS COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT  
AND PROPERTY MANAGEMENT  
SUBTITLE C: GOVERNMENTAL RECORDS  
CHAPTER IV: STATE RECORDS COMMISSIONPART 4400  
STATE RECORDS COMMISSION

## Section

4400.10	General
4400.20	Definitions
4400.22	Incorporations by Reference
4400.25	Record Management
4400.30	Procedures for Compiling and Submitting Lists and Schedules of Records <a href="#">for</a> Disposal
4400.40	Procedures for the Physical Destruction or Other Disposition of Records Proposed for Disposal
4400.50	Standards for the Reproduction of Records by Microphotographic and Electronic Microimaging Processes with a View to the Disposal of the Original Records
4400.60	Minimum Standards of Quality for Permanent Record Photographic Original Microfilm Intended for Retention Periods in Excess of 10 Years
4400.70	Digital Reproduction
4400.APPENDIX A	Inventory Work Sheet
4400.APPENDIX B	Records Retention Schedule (Application for Authority to Dispose of State Records)
4400.APPENDIX C	Records Disposal Certificate
4400.APPENDIX D	Archives Records Transfer Sheet

AUTHORITY: Implementing and authorized by the State Records Act [5 ILCS 160].

SOURCE: Amended May 28, 1976; codified at 8 Ill. Reg. 8927; recodified from 44 Ill. Adm. Code 4100 (Secretary of State) to 44 Ill. Adm. Code 4400 (State Records Commission) at 9 Ill. Reg. 15547; amended at 10 Ill. Reg. 1965, effective January 8, 1986; amended at 13 Ill. Reg. 7444, effective May 1, 1989; amended at 31 Ill. Reg. 8572, effective June 4, 2007; amended at 32 Ill. Reg. 17976, effective November 6, 2008.

**Section 4400.30 Procedures for Compiling and Submitting Lists and Schedules of Records [for](#) Disposal**

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- a) The head of each agency shall submit to the Commission lists or schedules ~~of~~ records in his or her custody that are not needed in the transaction of current business and that do not have sufficient administrative, ~~fiscal, legal, research or historical~~~~legal or fiscal~~ value to warrant their further preservation.
- 1) Lists are applications for authority to destroy records that have accumulated.
  - 2) Schedules are applications for continuing authority to destroy records after specified periods of time or the occurrence of specified events.
- b) New lists or schedules are required whenever the informational contents of a records series are changed.
- c) An application for authority to dispose of State records shall be submitted to the Commission on forms available from the State Records Commission, Margaret Cross Norton Building, Springfield, Illinois 62756.
- d) An application for authority to dispose of records may be accompanied by samples of each ~~records~~~~record~~ series proposed for destruction. Blank forms and explanatory statements may be submitted in lieu of confidential records.
- e) The Illinois State Archives shall make available field representatives to assist the head of each agency in preparing lists and schedules of records.
- f) Applications for Authority to Dispose of State Records must be received in the office of the State Records Unit of the Illinois State Archives at least five working days before a scheduled Commission meeting to be placed on the agenda of that meeting. If received after that time, applications will be placed on the agenda of the next Commission meeting.
- g) The Commission will consider all applications presented at each meeting. The Commission may approve, amend, deny or defer approval of an application pending clarification, modification or deletion of information presented on any portion of the application.
- h) During the review of each application, the Commission will consider if the description of the records series is complete and easily understandable with regard to how and why the record was created, what purpose it serves, where else the

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information can be found, and if the proposed retention is appropriate in light of the records' administrative, fiscal, legal, research or historical value.

(Source: Amended at 32 Ill. Reg. 17976, effective November 6, 2008)

**Section 4400.40 Procedures for the Physical Destruction or Other Disposition of Records Proposed for Disposal**

- a) Subject to statutory provisions, agencies may dispose of; records authorized for destruction by the Commission. ~~All records, regardless of physical format or characteristics must be disposed of using the same procedures as followed for the disposition of original hard copy documents.~~
- b) All records for which disclosure is prohibited by law that contain social security, driver's license, or State identification number or that identify a person by name and birth date must be destroyed by a lawful, secure manner that does not allow for the reconstruction or reuse of the original record information.
  - 1) Approved methods of destruction for paper based records for which disclosure is prohibited by law or that identify a person include: burning; shredding, in which either a crosscut shredder cutting to a maximum width of  $\frac{3}{8}$  inches or an industrial sized strip cut shredder is used, if it is incorporated with a baler or the shredded paper is further destroyed; pulping using standard wet process pulpers; or pulverizing using a dry destruction process that may include the use of hammer mills, choppers, huggers or disintegrating equipment.
  - 2) Approved methods of destruction for non-paper based records for which disclosure is prohibited by law or that identify a person include: burning in a pyrolytic furnace or other incinerator or incendiary device; destroying in a dry pulverizing system; shredding; grinding, which is defined as abrading through the surface of an optical disc (compact disc); milling; knurling; disintegration; or degaussing. Computer software or hardware must be erased or wiped/sanitized in a manner that prevents retrieval.
  - 3) The handling and transportation of the records designated for destruction must be done in a reasonably secure manner that is designed to prevent public access to the records.

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- 4) The custodian of the records must prepare, sign and keep on file a certificate of destruction that lists what records have been destroyed, the method of destruction, who destroyed the records and the date of destruction.
- c) Thirty days prior to ~~planned~~ disposal or destruction of any records, regardless of physical format or characteristics, so authorized by the Commission, the head of ~~the~~any agency ~~shall do so will~~ submit a State Records Disposal Certificate to the Chairman of the State Records Commission; and proceed with ~~such~~ disposal only after a copy of that certificate has been reviewed and signed by the Chairman and returned to the head of the agency. The original copy of this disposal certificate will be kept in the files of the State Records Commission and the duplicate copy signed and returned by the Chairman shall be retained by the disposing agency for its files.

(Source: Amended at 32 Ill. Reg. 17976, effective November 6, 2008)

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- 1) Heading of the Part: Minimum Safety Standards for Construction of Type I School Buses
- 2) Code Citation: 92 Ill. Adm. Code 440
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
440.160	Amend
440.220	Amend
440.420	Amend
440.520	Amend
440.ILLUSTRATION C	Amend
- 4) Statutory Authority: Implementing Article VIII of Chapter 12 of the Illinois Vehicle Code [625 ILCS 5/Ch. 12, Art. VIII] and Section 14-3(m) of the Criminal Code of 1961 [720 ILCS 5/14-3(m)] and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/12-812]
- 5) Effective Date of Amendments: November 10, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department's Division of Traffic Safety and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register July 18, 2008; 32 Ill. Reg. 10841
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Various nonsubstantive corrections were made throughout the Part in agreement with JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendment currently in effect? No

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- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Following are descriptions of three Public Acts affecting this Part. The Department also cited to pertinent Sections in the rule that were added or amended pursuant to the Public Acts.

**Public Act 95-0176 (effective January 1, 2008)** requires each school bus operated in Illinois to display the telephone number of the school bus owner on the rear of the bus for use in reporting erratic driving by the school bus driver. Section 440.420(t) was renumbered to Section 440.420(v), and Section 440.420(v)(15) was added to establish standards for the decal required by Public Act 95-0176. An Agency Note was also added that provides that the decal is not required to be applied at the time the school bus is manufactured; instead, the owner may elect to apply the decal after the bus is purchased.

**Public Act 95-0260 (effective August 17, 2007)** provides that each school district have in place, by January 1, 2008, a policy to ensure that the school bus driver is the last person leaving the bus and that no passenger is left behind or remains on the vehicle at the end of a route, work shift or work day. If a school district has a contract with a private sector school bus company, the school district shall require, in the contract, that the company have a post-trip inspection policy in place by January 1, 2008, that requires the school bus driver to activate the interior lights and walk to the rear of the bus to check for children still on board. If a mechanical or electronic post-trip inspection reminder system is used, that device must activate the interior lights when the ignition is shut off. Section 440.420(h) has been added to establish standards to implement Public Act 95-0260. A definition of Child Check System has also been added at Section 440.220.

**Public Act 95-0352 (effective August 23, 2007)** will allow both visual and audio recordings to be made of the interior of a school bus while the school bus is being used to transport students to and from school and school-sponsored activities. Notice of the recordings must be clearly posted on the entrance door and inside the school bus. Section 440.420(t) has been renumbered to Section 440.420(v) and Section 440.420(v)(16) has been added to establish standards for the decals required by Public Act 95-0352. An Agency Note has been added providing that the notice is not required to be applied at the time the school bus is manufactured; instead, the owner may elect to apply the notice after the bus is purchased.

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At Section 440.160, the Department updated the incorporation by reference of 49 CFR 571.101 through 571.404 to the October 1, 2007, edition, the most recent edition of 49 CFR. The Department also updated the Department's web address referenced in this Section.

At Section 440.420, the Department reorganized the guard barrier provisions by creating a new subsection (b), Barriers, Guard. To that end, a provision at subsection (cc)(3) has been moved to subsection (b)(2); new provisions have been added at subsection (b)(1) to clarify the guard barrier requirements; and a cross-reference has been added at subsection (b) to reference 92 Ill. Adm. Code 444 that provides exemptions for special education school buses in order to meet the unique needs of special education students.

Additionally, the Department updated statutory citations and moved definitions, alphabetically, in Section 440.220, Definitions. Cross-references have also been updated throughout this Part to accommodate a new subsection at Section 440.420(h), Child Check System (Optional). At Section 440.420(q), the word "material(s)" has been changed to "material". At Section 440.420(gg)(2), language has been added to allow an optional grab handle that can be located on the right side of the entranceway. At Section 440.520(n), the word "ammeter" has been changed to "ampere meter". Finally, an Agency Note has been added at Section 440.520(j) that addresses new USEPA requirements affecting exhaust emissions.

The Department also amended Illustration C, Exhaust Discharge Prohibited Zones, to decrease the areas where exhaust discharge can be released. Exhaust cannot be released directly under a rear emergency door or to the front and directly under a side emergency door.

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

Ms. Catherine Allen  
Illinois Department of Transportation      217/785-1181  
Division of Traffic Safety  
P. O. Box 19212  
Springfield, Illinois 62794-9212

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER I: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 440  
MINIMUM SAFETY STANDARDS FOR CONSTRUCTION  
OF TYPE I SCHOOL BUSES

SUBPART A: INTRODUCTION

Section	
440.10	Order
440.20	Guidelines
440.30	Responsibilities

SUBPART B: GENERAL

Section	
440.110	Purpose
440.120	Scope
440.130	Applicability
440.140	Effective Date
440.150	Quantified Requirements
440.160	Incorporation by Reference

SUBPART C: DEFINITIONS

Section	
440.205	Dictionary Used
440.210	Federal Definitions
440.220	State Definitions

SUBPART D: CERTIFICATION

Section	
440.305	Certification by Manufacturer
440.310	Federal Standards
440.320	State Standards

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## SUBPART E: BODY REQUIREMENTS

## Section

- 440.405 Conformance to the Requirements  
440.410 Incorporation by Reference of Federal Motor Vehicle Safety Standards  
(Repealed)  
440.420 State Requirements

## SUBPART F: CHASSIS REQUIREMENTS

## Section

- 440.505 Conformance to the Requirements  
440.510 Incorporation by Reference of Federal Motor Vehicle Safety Standards  
(Repealed)  
440.520 State Requirements
- 440.ILLUSTRATION A Hexagon Shaped Stop Signal Arm (Repealed)  
440.ILLUSTRATION B Octagon Shaped Stop Signal Arm Panel  
440.ILLUSTRATION C Exhaust Discharge Prohibited Zones  
440.APPENDIX A Federal Motor Vehicle Safety Standards (FMVSS) and Related  
Regulations (Repealed)  
440.APPENDIX B First Aid Kit Requirements (Referred to in Section 440.420(l))  
(Repealed)  
440.APPENDIX C Specification Sheet Reflective Material – Encapsulated Lens  
(Based on FHWA Notice N 5040.17, June 15, 1976) (Repealed)

AUTHORITY: Implementing Article VIII of Chapter 12 of the Illinois Vehicle Code [625 ILCS 5/Ch. 12, Art. VIII] and Section 14-3(m) of the Criminal Code of 1961 [720 ILCS 5/14-3(m)] and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/12-812].

SOURCE: Filed June 20, 1977; amended at 6 Ill. Reg. 7147, effective June 2, 1982; codified at 8 Ill. Reg. 15502; amended at 11 Ill. Reg. 15947, effective September 21, 1987; amended at 12 Ill. Reg. 8463, effective May 3, 1988; amended at 16 Ill. Reg. 1655, effective January 14, 1992; amended at 17 Ill. Reg. 3530, effective March 2, 1993; amended at 18 Ill. Reg. 14764, effective September 20, 1994; amended at 22 Ill. Reg. 19354, effective October 15, 1998; expedited correction at 23 Ill. Reg. 5918, effective October 15, 1998; emergency amendment at 24 Ill. Reg. 4993, effective March 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12111, effective July 31, 2000; emergency amendment at 24 Ill. Reg. 16391, effective October 20, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3307, effective February 20, 2001; amended

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at 26 Ill. Reg. 3219, effective February 19, 2002; amended at 31 Ill. Reg. 1881, effective January 8, 2007; amended at 32 Ill. Reg. 17983, effective November 10, 2008.

## SUBPART B: GENERAL

**Section 440.160 Incorporation by Reference**

- a) Each bus body and chassis must conform to the applicable provisions of the Federal Motor Vehicle Safety Standards (FMVSS) (49 CFR 571.1 through 571.404). Those applicable provisions of the FMVSS are incorporated by reference as that part of the FMVSS was in effect on October 1, ~~2007~~<sup>2005</sup>. No later amendments to or editions of 49 CFR 571 are incorporated.
- b) Each bus body and chassis must conform to the applicable provisions of 49 CFR 567, Certification, and 49 CFR 568, Vehicles Manufactured in Two or More Stages, that were in effect on the first day of the month in which the chassis manufacturer completed the last manufacturing operation on the incomplete bus. Those applicable provisions are incorporated by reference as they were in effect on October 1, ~~2007~~<sup>2005</sup>. No later amendments to or editions of 49 CFR 567 and 49 CFR 568 are incorporated.
- c) Each school bus must conform to the applicable Standards and Recommended Practices of the Society of Automotive Engineers Handbook (Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale PA 15096-0001, (724)776-4841). Those applicable provisions of the SAE Standards and Recommended Practices are incorporated by reference as of the 2005 edition date. No later amendments to or editions of the SAE Standards and Recommended Practices are incorporated.
- d) Copies of the above materials incorporated by reference are available for inspection at the Division of Traffic Safety, 3215 Executive Park Drive, 3<sup>rd</sup> Floor, Springfield, Illinois 62703 or by calling (217)785-1181. The federal standards are available on the National Archives and Records Administration's website at <http://ecfr.gpoaccess.gov>. The Division of Traffic Safety's rules are available on the Department's website at <http://www.dot.il.gov/safety.html> <http://www.dot.il.gov/regulations.html>.

(Source: Amended at 32 Ill. Reg. 17983, effective November 10, 2008)

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## SUBPART C: DEFINITIONS

**Section 440.220 State Definitions**

The terms referred to in Section 440.210 are applicable to this Section unless any definitions are displaced either by a statutory definition in 625 ILCS 5 or by a definition found [in this Section below](#):

"ANSI" means the American National Standards Institute (11 West 42<sup>nd</sup> Street, New York ~~NY, N.Y.~~ 10036).

"Body" means the portion of a bus that encloses the occupant and cargo spaces and separates those spaces from the chassis frame, engine compartment, driveline, and other chassis components, except certain chassis controls used by the driver.

"Body-on-Chassis" means a completed vehicle consisting of a passenger seating body mounted on a truck type chassis (or other separate chassis) so that the body and chassis are separate entities, although one may reinforce or brace the other.

"Child Check System" means an optional mechanical or electronic monitoring system used for ensuring that no passengers remain on the school bus at the end of a route, a work shift, or the work day. The system shall require the school bus driver to walk to the rear of the bus to deactivate the system before the driver leaves the bus. The vehicle's interior lights must illuminate when the ignition is turned off to assist the driver in seeing in and under the seats during a visual sweep of the bus. (See P.A. 95-0260, effective August 17, 2007.)

~~"The Code"~~ means the Illinois Vehicle Code [625 ILCS 5].

"Driver" means ~~every~~*Every* person who drives or is in actual physical control of a vehicle. ~~(Section 1-116 of the Code)~~*[625 ILCS 5/1-116]*

"Empty Weight" means the ~~"unloaded vehicle weight"~~; i.e., the weight of a vehicle with maximum capacity of all fluids necessary for operation of the vehicle but without cargo or occupant (49 CFR 571.3), plus 350 lbs allowance for driver and equipment.

"FMVSS" means the Rules and ~~Standards~~*Standard(s)* set forth in ~~Part 571 in Title 49 of the Code of Federal Regulations~~ (49 CFR 571) and known as ~~the~~ "Federal

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Motor Vehicle Safety Standards".

"Forward Control" means a configuration in which more than half of the engine length is rearward of the foremost point of the windshield base and the steering wheel hub is in the forward quarter of the vehicle length (49 CFR 571.3) – includes mid-engine and rear-engine "pusher" buses.

*"Gross Vehicle Weight Rating" or "~~GVWR~~" means the value specified by the manufacturer as the loaded weight of the school bus. (See Section 1-124.5 of the Code.)*~~[625 ILCS 5/12-800]~~

"Incomplete Vehicle" means ~~anas~~ assemblage consisting, as a minimum, of frame and chassis structure, power train, steering system, suspension system, and braking system, to the extent that those systems are to be part of the completed vehicle, that requires further manufacturing operations (other than the addition of readily attachable components such as mirrors or tire and rim assemblies or minor finishing operations, such as painting) to become a completed school bus for use in Illinois. (Based on 49 CFR 568.3)-

"Integral Type" bus means a completed vehicle either without separate body and chassis or with body and chassis joined into one unit.

"m", following a numeral, means either "meter" or "meters."

"mm", following a numeral, means either "millimeter" or "millimeters."

"Manufacturer" (unless otherwise indicated at the point of use) means the person or organization whose name follows "MANUFACTURED BY" OR "MFD BY" on the label required in Section 440.310.

"Multiple Glazed Unit" means two or more sheets of safety glazing material separated by air ~~spaces~~~~space(s)~~ and assembled in a common mounting (ANSI Z26.1-1996).

"Passenger" means every bus occupant who is not the driver.

"SAE" means the Society of Automotive Engineers (400 Commonwealth Drive, Warrendale ~~PA, Pennsylvania~~ 15096).

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"School Bus" –

~~Type I School Bus – A School Bus with gross vehicle weight rating of more than 10,000 pounds.~~

~~Type II School Bus – A School Bus with gross vehicle weight rating of 10,000 pounds or less. [625 ILCS 5/12-800]~~

Every motor vehicle, except as provided below, 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 such 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 such 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 educational facilities.

A motor vehicle of the first division.

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*A motor vehicle designed for the transportation of not less than 7 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. (Section 1-182 of the Code)*~~[625 ILCS 5/1-182]~~

"SI" means "Système International d'Unités" (International System of Units); officially abbreviated SI in all languages; the "modernized metric system" defined in ANSI IEEE-ASTM-SI-10-1997.

The symbol ", following a numeral, means either "inch" or "inches."

"Type I School Bus" means a school bus with a GVWR of more than 10,000 pounds. (Section 1-213.4 of the Code)

"Type I-A ~~School Bus~~ school bus" means a term commonly used by school bus manufacturers to classify a certain type of school bus that is a conversion or body constructed upon a van-type or cutaway front-section vehicle with a left side driver's door, designed for carrying more than 10 persons. The Type I-A school bus has a ~~Gross Vehicle Weight Rating (GVWR)~~ of more than 10,000 pounds.

"Type II School Bus" means a school bus with a GVWR of 10,000 pounds or less. (Section 1-213.5 of the Code)

(Source: Amended at 32 Ill. Reg. 17983, effective November 10, 2008)

## SUBPART E: BODY REQUIREMENTS

**Section 440.420 State Requirements**

*Except for mirrors, which may project 153 mm (6") beyond each side of the bus, a school bus shall not exceed 2.44 m (8 feet) in width, 4.12 m (13 feet 6 inches) in height, nor 12.81 m (42 feet) in length. (Sections 15-102, 15-103 and 15-107 of the Code) Each bus body shall be constructed so as to preclude road splash, road dust, or the bus engine's fumes or gas entering either the driver, passenger, or service entrance space through any joint, crack, hole, or opening other than an opened door or window. In addition, various portions of the bus body shall*

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conform to the requirements set forth under the following subsections.

- a) Aisle. An aisle, easily negotiated ("easily negotiated" means that an aisle meets the dimension requirements set forth in this subsection from front of bus to back of bus) and free of tripping hazards ("tripping hazards" are tears, wrinkles and other imperfections in the floor covering material, or the floor itself causing the walking surface to be uneven), shall extend from the forward edge of the service entrance stairway to the emergency door in the rear of the bus or, when such door is absent, to the forward edge of the rearmost seat. This aisle shall be no less than 305 mm (12") wide at every location between floor covering and the top of each seat cushion and, in a bus manufactured in July 1987 or later, shall be no less than 380 mm (15") wide at and above a level 50 mm (2") below the top of any seat back. At least 1.75m (68.9") floor-to-ceiling height shall be provided above the entire required width of this aisle between the forward edge of the rearmost seat and the forward edge of the service entrance stairway. A dedicated aisle that conforms to 49 CFR 571.217 may be adjacent to any side emergency door.
- b) Barriers, Guard. A restraining guard barrier shall be installed in front of the right and left front passenger seats. (See 92 Ill. Adm. Code 444 for exceptions for special education school buses.)
  - 1) Barriers shall be constructed to guard passengers from being thrown into the stairwell, dash, windshield or driver's compartment. Barriers shall be padded to give knee and head impact protection. Barriers shall conform to S5.2 through S5.2.3 of FMVSS 222.
  - 2) The vertical distance from the floor covering to the top of a barrier positioned in front of a student's seat shall measure not less than the vertical distance from the floor covering to the top of the seat back on the seat back installed behind that barrier.
- c) Battery. Either one battery or two or more suitably connected batteries may be installed.
  - 1) When rated in conformance with SAE Standard J537 (September 2000) the batteries shall provide a current flow for engine cranking no less than the engine manufacturer's recommended Cold Cranking Current (amperes for 30 seconds) at -18° C (0° F) or, at the purchaser's option, at -29° C (-20° F).

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2) When rated in conformance with SAE Standard J537 (September 2000) the batteries shall provide a Reserve Capacity (duration of 25 ampere current flow) at 27° C (80° F) no less than 135 minutes.

de) Battery Carrier. When the battery is mounted outside the engine compartment it shall be attached securely in a closed, weather-tight, and vented compartment that is located and arranged so as to provide for convenient routine servicing. The battery compartment door, or cover, shall be secured by an adequate manually operated latches or other fasteners. Each electrical cable connecting the batteries in this carrier to the body or chassis shall be one-piece between the battery terminal connector and the first body or chassis terminal connector.

ed) Bumper, Rear. The rear bumper shall be of channel type cross section with the top edge at least 225 mm (8.9") above the bottom edge, shall be formed from rolled steel at least 4.55 mm (.18") thick, and shall wrap around the rear corners of the body to a point at least 300 mm (11.8") forward of the rearmost point of the body at floor line. The rear bumper shall be attached to the chassis frame with provisions for removal by means of commonly available hand tools and the prevention of hitching-to or riding thereon. The rear bumper shall be of sufficient strength to permit the bus being pushed by another vehicle without permanent distortion.

fe) Capacity, Passenger. *The vehicle maximum passenger capacity recommended by the manufacturer of the bus shall be based upon a provision for 13 inches of seating space for each passenger, exclusive of the driver.* (Section 12-802 of the Code) Examples: A seat 990 mm (39") in width provides 3 passenger spaces; A seat 985 mm (38.8") in width provides 2 passenger spaces; A device resembling a seat but less than 330 mm (13") in width would not provide a passenger space. Neither a space not conforming to FMVSS 222 nor the driver's space shall be counted as a passenger space. However, any space used for transporting an orthopedically challenged passenger shall be counted as a passenger space when computing passenger capacity to be displayed on the exterior of the bus as required in subsection (v)(7).

gf) Certificate and Registration Card Holder. At least 1 card holder with a transparent face no less than 150 mm by 100 mm (5.9" by 3.9") shall be securely affixed to the interior header panel out of the students' easy reach.

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- h) [Child Check System \(Optional\). If a mechanical or electronic child check system is installed, the system must illuminate the interior lights on the bus when the ignition is turned off. \(See P.A. 95-0260, effective August 17, 2007.\)](#)
- ig) Color and Paint, Exterior. *The exterior of each school bus shall be national school bus glossy yellow except as indicated in subsections [\(i\)\(g\)\(1\)-\(6\)](#):*
- 1) *The rooftop may be white. Optional white roof shall terminate at any point from top of drip rail to 6" above drip rail. The front and rear roof caps shall remain national school bus glossy yellow.*
  - 2) *Body trim, rub rails, lettering other than on a stop signal arm and bumpers shall be glossy black (Federal Standard No. 595a, glossy black enamel No. 170381).*
  - 3) *Lettering on a stop signal arm shall be white on a red background.*
  - 4) *The hood and upper cowl may be lusterless black (595a, 37038) or lusterless school bus yellow.*
  - 5) *Grilles on the front, lamp trim and hubcaps may be a bright finish. Wheels and rims may be black or gray.*
  - 6) *The name or emblem of a manufacturer may be colorless or any color.*
  - 7) *The exterior paint of any school bus shall match the central value, hue and chroma set forth in this Part. (Section 12-801 of the Code)*
  - 8) Each opening for a required emergency exit window or door must be outlined around its exterior perimeter with, at a minimum, 1 inch (2.54 cm) wide yellow retroreflective tape. All retroreflective tape must be on the exterior surface of the bus and conform to all requirements of 49 CFR 571.217. Emergency roof exits may be outlined in either yellow or white retroreflective tape.
  - 9) Yellow retroreflective tape can be located on the rear bumper or rub rail provided the space under the emergency exit door or emergency exit window is not adequate to accommodate the tape, or, provided rivets are present that prohibit the tape from being applied properly.

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AGENCY NOTE: To be certain of glare reduction, a purchaser should specify a lusterless paint.

| [jh](#)) Crossing Control Arm:

- |
- 1) Must meet or exceed [the wiring requirements of](#) SAE Recommended Practice J1133 (November 2004).
  - 2) Must be capable of full operation between, and including, the temperatures -40° F and 160° F.
  - 3) The arm, when activated, must extend a minimum of five feet from the front face of the bumper.
  - 4) The arm must be mounted on the far right side (entry side) of the front bumper.
  - 5) Appropriate brackets shall be used to attach the arm to the front bumper for proper operation and storage.
  - 6) All component parts must meet or exceed any applicable federal motor vehicle safety standards in effect at the time of manufacture.
  - 7) The arm must extend at the same time the stop arm panel extends. An independent "on/off" switch is prohibited.
  - 8) If the driver can stop the arm from extending with the use of an optional override switch, the arm sequence must automatically reset once the service door is closed.
  - 9) Red lights and/or red reflectors are prohibited.

| [ki](#)) Defrosters. Defrosting equipment shall be installed so as to help keep the window to the left of the driver and the glass in the service door clear of fog or frost. This defrosting equipment shall conform to those FMVSS 103 (49 CFR 571.103) performance requirements that are applicable to school bus windshields.

| [lj](#)) Emergency Exits. All emergency exits shall conform to the applicable

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requirements of FMVSS 217 (49 CFR 571.217).

- 1) Each emergency exit shall be equipped with an interior opening device that may be quickly released but that is designed to offer protection against accidental release. Each exterior release handle must be nonhitchable.

AGENCY NOTE: "Nonhitchable" is defined as the rear of the bus being designed and maintained to prevent or discourage riding or grasping rear of bus so as to "hitch" rides.

- 2) Each opening for a required emergency exit window or door must be outlined around its exterior perimeter with, at a minimum, 1 inch (2.54 cm) wide yellow retroreflective tape. All retroreflective tape must be on the exterior surface of the bus and conform to all requirements of 49 CFR 571.217. Yellow retroreflective tape can be located on the rear bumper or rub rail provided the space under the emergency exit door or emergency exit window is not adequate to accommodate the tape, or, provided rivets are present that prohibit the tape from being applied properly. Emergency roof exits may be outlined in either yellow or white retroreflective tape.
- 3) Both audible and visible alarms shall alert the driver when the engine is running and any emergency exit door either:
  - A) Is not fully latched, or
  - B) Is locked and not readily operated manually.
- 4) An audible alarm shall alert the driver when the engine is running and any emergency exit window either:
  - A) Is not fully latched, or
  - B) Is locked and not readily operated manually.
- 5) The engine starting system shall not operate while any emergency exit door or window (optional or required) is locked from either inside or outside the bus. "Locked" means that the release mechanism cannot be activated and the exit cannot be opened by a person at the exit without a

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special device such as a key or special information such as a combination.

- 6) An alarm cut-off or "squelch" control is prohibited.
- 7) Exception: No alarm is required for roof hatches.

| mk) Fire Extinguisher ~~(Optional)~~.

AGENCY NOTE: A fire extinguisher is required to be carried on each school bus transporting pupils. The manufacturer may elect to install the fire extinguisher at the time the school bus is manufactured; however, a fire extinguisher can also be installed by the owner after the school bus is purchased.

| The fire extinguisher shall be of the dry chemical type, with pressure gauge, mounted in a quick-release bracket of automotive type located in view of and readily accessible to the driver, except when carried in the locked compartment authorized under subsection ~~(w)~~~~(t)~~. The fire extinguisher shall be of a type approved by the Underwriters' Laboratories, Inc., with a rating not less than 10-BC. The operating mechanism shall be sealed with a type of seal that will not interfere with the use of the fire extinguisher. Halon fire extinguishers (10-BC) are approved.

| nt) First-Aid Kit ~~(Optional)~~.

AGENCY NOTE: A first aid kit is required to be carried on each school bus transporting pupils. The manufacturer may elect to install the first aid kit at the time the school bus is manufactured; however, a first aid kit can also be installed by the owner after the school bus is purchased.

- 1) The first aid kit must be readily identifiable and readily accessible to the driver. The kit must be dust tight and substantially constructed of durable material. If the kit is not carried in the locked compartment as authorized in subsection ~~(w)~~~~(t)~~(2), it must be in view of the driver.
- 2) The first aid kit must include, but is not limited to, the following:
  - A) 4" bandage compress – 2 packages
  - B) 2" bandage compress – 2 packages

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C) 1" bandage or adhesive compress – 1 package

D) 40" triangle bandage with two safety pins – 1

E) Splint, wire or wood – 1

3) A tourniquet or any type of ointment, antiseptic or other medicine cannot be included.

om) Floor Covering.

- 1) All portions of the floor that come in contact with passengers' or driver's footwear shall be covered with a waterproof material. This floor covering shall not crack when subjected to sudden temperature change and shall be bonded securely to the floor with a waterproof substance. All seams and openings shall be filled with a waterproof sealer.
- 2) The floor covering in the aisles and entrance area shall be of non-skid, wear-resistance type material commonly used in commercial passenger transportation vehicles.

pn) Fuel System. The fuel system shall conform to all applicable provisions of FMVSS 301 (49 CFR [571.301](#)).

qe) Glazing Materials.

1) The following applies to glazing on Type I school buses:

- A) Laminated safety glass is optional on Type I school buses. All applicable provisions of FMVSS 205 (49 CFR [571.205](#)) apply to the optional laminated safety glass and also to any plastic ~~material~~[material\(s\)](#) used in multiple-glazed unit, including meeting the pertinent tests indicated below, that are specified in ANSI Standard Z26.1-1996, Z26.1a-1996, and are grouped in Table No. 1 of that Standard. Glazing shall be identified as shown below.

Glazing installed in:	Shall meet tests grouped in Z26.1	Shall bear one of the following identification
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	Table No. 1 under:	markings:
Windshield	Item 1, either laminated glass or multiple glazed unit.	AS 1 Glass;
Window or door forward of rearmost location of driver's seat back		AS 1 Glass; or AS 2 Glass
All Other locations		AS 1 Glass, or AS 2 Glass, or AS 3 Glass

B) In addition, any exposed plastic layer of a multiple glazed unit shall be identified in conformance with FMVSS 205 (49 CFR 571.205).

- 2) All glazing shall be installed so the identification markings are legible.
- 3) All glazing in the rear of the bus, except a rear emergency exit window, shall be the fixed type.

**rp)** Heaters.

- 1) An interior temperature of not less than 10° Celsius (50° F) shall be maintained throughout the bus while the bus is moving at 75 kilometers per hour (46.6 miles per hour) in calm air at the average minimum January temperature, as established by the Weather Bureau, U.S. Department of Commerce, for the area in which the bus is to be operated.
- 2) Each heater shall bear a nameplate that shall identify the heater manufacturer and state the heater capacity rating when tested as recommended in SAE Recommended Practice J638 (November 1998), or when tested in accordance with other nationally recognized standard or code. The recommended practice, standard, or code under which the heater is rated shall be identified on the nameplate. Such nameplate shall constitute certification by the heater manufacturer that the heater performance is as shown on the plate.

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- 3) Heater hoses shall be supported so as to prevent wear due to vibration. The hoses shall not dangle or rub against the chassis or sharp edges and shall neither interfere with nor restrict the operation of any engine function (such as an emission or ignition control mechanism). Heater hoses shall be protected or baffled between the point at which they enter the passenger compartment and the point of attachment to the heater so that, in the event of hose rupture or disconnection, passengers and/or driver will not be subject to hot water burns.
- 4) Auxiliary fuel-fired heating systems are permitted, provided they comply with the following:
  - A) The auxiliary heating system fuel shall utilize the same type of fuel as specified for the vehicle engine;
  - B) The heater or heaters may be direct hot air or connected to the engine's coolant system;
  - C) An auxiliary heating system, when connected to the engine's coolant system, may be used to preheat the engine coolant or preheat and add supplementary heat to the bus's heating system;
  - D) Auxiliary heating systems must be installed pursuant to the manufacturer's recommendations and shall not direct exhaust in such a manner that will endanger bus passengers. The auxiliary heating system must not direct exhaust into any portion of the prohibited zone as shown in Illustration C of this Part;
  - E) Auxiliary heating systems that operate on diesel fuel shall be capable of operating on:
    - i) a hot water and/or combustion type heater; or
    - ii) if only one heater is used, a fresh-air or combination fresh-air and recirculation type heater; or
    - iii) blended diesel fuel without the need for system adjustment; and

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F) The auxiliary heating system shall be low voltage.

sq) Heater Hose Connections at Engine. Each heater hose connection to the engine shall include a shutoff valve located as close to the engine as practical. Such connection and valve shall not interfere with any engine function whether closed, partially open, or fully open, with heater hoses installed properly.

tf) Interior.

- 1) Thermal and acoustic materials shall be installed in the ceiling and the sides of the body to reduce heat transfer and the interior noise level.
- 2) The passenger compartment of the bus, including the ceiling, shall be free of any visible or concealed projections likely to cause injury. Exposed lapped joints shall be connected and/or treated to reduce likelihood of injury from exposed edges. Materials or components in the passenger compartment located within 59 inches from the floor shall be free of any sharp corner or projections or shall be padded so as to make injury unlikely.

us) Lamps and Signals. Light Emitting Diode (LED) lamps that meet applicable FMVSS or SAE Standards or SAE Recommended Practices are acceptable.

- 1) Alternately Flashing Signal Lamps. Each bus shall be equipped with an eight lamp alternately flashing signal system that conforms to S5.1.4(b) of FMVSS 108 (49 CFR 571.108) and Section 12-805 of the Code. A separate circuit breaker and a master switch shall be provided for this signal system. When in its "off" position, this master switch shall prevent operation of the eight lamp system; shall prevent operation of any lamps mounted on the stop signal arm panel required under subsection (hh); and shall prevent operation of any electrically controlled mechanism that would cause the stop signal arm panel to extend. The controls for the eight lamp flashing signals, the stop signal arm panel, and the service entrance door shall be arranged so as to provide for the following sequence of operations while the engine is running:
  - A) Place the alternately flashing signal system master switch in its "off" position. Close and secure the service entrance door.

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Actuate the alternately flashing signal system hand or foot control. The alternately flashing signal lamps of either yellow (amber) or red color shall not go on.

- B) With the master switch "off" and the hand or foot control actuated, open the service door. The alternately flashing signals of either color shall not go on and the stop signal arm panel shall not extend.
- C) Deactivate the hand or foot control. Place the alternately flashing signal system master switch in its "on" position. Close and secure the service door. Then open the service door. The alternately flashing signal lamps of either color shall not go on and the stop signal arm panel shall not extend.
- D) Close and secure the service door. Actuate the alternately flashing signal system by hand or foot control. A yellow pilot lamp in the view of the driver and the yellow alternately flashing signals shall go on.
- E) Desecure but do not open the service door. The yellow pilot and the yellow alternately flashing signals shall go off. A red pilot lamp in the view of the driver and the red alternately flashing signals shall go on. The stop signal arm panel shall extend.
- F) Fully open the service door. The red pilot and red signals shall remain on and the stop arm shall remain extended.
- G) Close but do not secure the service door. The red pilot and red signals shall remain on and the stop arm shall remain extended.
- H) Open the service door. The red pilot and red signals shall remain on and the stop arm shall remain extended.
- I) Close and secure the service door. The red pilot and red signals shall go off and the stop arm shall retract.
- J) Open the service door. Alternately flashing signals of either color shall not go on and the stop arm shall not extend.

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- 2) Interior Lighting. At least the white nosings of the service entrance steps (subsection ~~(gg)(ee)~~(3)), the floor around the stepwell, the entire aisle, and each emergency door and emergency exit shall be illuminated by lamps emitting a white light. For buses designed to transport 33 or more passengers, at least two interior illumination lamps shall be installed. At least the nosings of the service entrance steps and the floor around the stepwell shall be illuminated automatically by opening of the service door. No lamp shall be installed at or near the eye level of a pupil moving through the service entranceway to the aisle unless such lamp does not shine directly into the eyes of any such pupil.
- 3) Rear Turn Signals. Yellow turn signal lamps shall be mounted on the rear as far apart as practical and as high as practical but below the rear window. The effective projected illuminated area of these turn signal lamps shall be no less than required for the yellow alternately flashing signal lamps required under subsection ~~(u)(s)~~(1); i.e., .0122 m<sup>2</sup> (19 in<sup>2</sup>).
- 4) Side Turn Signals. Two yellow side turn signal lamps conforming to SAE Standard J914 (July 2003) shall be installed on each bus designed to transport 33 or more passengers. Except as provided in this subsection, this SAE Standard shall be read as setting forth mandatory requirements. The lamps shall be "armored" and mounted on the body between the rub rails required under subsection ~~(dd)(bb)~~. The right lamp shall be within 1 m (39.4") of the rear of the service entrance but, on a forward control bus, not forward of the front axle. The left lamp shall be approximately the same distance from the front bumper as the right lamp.
- 5) Stop Signals. Red stop lamps shall be mounted on the rear as far apart as practical but closer to the vertical centerline of the bus than the rear turn signal lamps required under subsection ~~(u)(s)~~(3), and at the same height as those turn signal lamps. The effective projected illuminated area of these stop lamps shall be no less than required for the red alternately flashing signal lamps required under subsection ~~(u)(s)~~(1); i.e., .0122 m<sup>2</sup> (19 in<sup>2</sup>).
- 6) Strobe.
  - A) *One per bus;*
  - B) *Shall emit white or bluish-white light;*

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- C) *Shall be visible from any direction;*
- D) *Shall flash 60 to 120 times per minute;*
- E) *Shall be visible in normal sunlight;*
- F) *Mounted at or behind center of rooftop and equal distance from each side. Distance from rear will be calculated by measuring height of filament and multiplying same by 30 inches (i.e., filament height measured from the base of the strobe x 30 = distance from rear of bus where lamp is to be located). (Section 12-815 of the Code)*
- G) If a roof exit, air conditioner, or the size of the bus interferes with the placement of a strobe as required by [\(u\)\(s\)\(6\)\(F\)](#), the strobe can be placed to the rear of the roof exit or air conditioner as near as practicable above the rear axle, horizontally centered between the rear tires.

[vt](#)) Lettering.

- 1) General. Except where otherwise required or allowed, lettering on the exterior of the body shall be black against a national school bus glossy yellow background. All required letters and numerals shall conform to Series "B", or heavier series, of the Standard Alphabets for Highway Signs issued by the Federal Highway Administration, Washington, D.C. 20591. Decals may be used instead of paint. Signs, numbers, or letterings, other than those either required by Section 12-802 of the Code or required or permitted by this Part shall not be affixed permanently on either the exterior or the interior of the bus. Interior lettering shall contrast with its background.
- 2) The words "SCHOOL BUS" shall be displayed against a national school bus glossy yellow background as high as practical and approximately centered on the front and rear of the bus body, in letters at least 200 mm (8") high (see Section 12-802 of the Code). These words may be painted on or applied to the bus body or displayed on a sign firmly attached to or built into the body. The background of an illuminated sign shall

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approximate the national school bus glossy yellow color as closely as feasible.

- 3) A school bus identification number, supplied by the purchaser, shall be displayed as high as practical on the front and rear of the bus in numerals not less than 100 mm (4") high. Such number may be displayed on the sides of the bus as specified by the purchaser. As an option, identification numbers may also be located on the rooftop.
- 4) *Either the owner's name or the school district number or both must be displayed on both sides of the bus at least four inches high, approximately centered and as high as practicable below the window line.* (Section 12-802 of the Code) The lettering must be located on one line.
- 5) The body and/or chassis manufacturer's name, emblem, or other identification may be displayed, colorless or in any color, on any unglazed surface of the bus so as not to be mistaken for the name required in subsection ~~(v)~~~~(4)~~, and so as not to interfere with any required letters or numerals.
- 6) The words "EMPTY WEIGHT", or the abbreviation "EMPTY WT.", or the letters "E.W.", followed by the empty weight of the bus, as defined in Section 440.220, stated in pounds, shall be displayed on the exterior of the body near the rear edge of the service entrance in numerals and letters at least 50 mm (2") high (see Section 12-802 of the Code).

Examples: EMPTY WEIGHT      16,800 lb      E.W. 16,800 lb

- 7) The word "CAPACITY", or the abbreviation "CAP.", and the rated passenger capacity (see subsection ~~(f)~~~~(e)~~ of this Section) followed by the word "PASSENGERS", or the abbreviation "PASS.", shall be displayed on the exterior of the body near the rear edge of the service entranceway, and on the interior above the right portion of the windshield, in numerals and letters at least 50 mm (2") high (see Section 12-802 of the Code).
- 8) The words "NO STANDEES" shall be displayed only on the interior above the windshield, approximately opposite the aisle but to the right of the mirror and sun visor, in letters at least 50 mm (2") high.

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- 9) The words "EMERGENCY DOOR" or "EMERGENCY EXIT" in letters at least 5 cm high must be displayed on the interior and exterior of the bus. "EMERGENCY DOOR" must be displayed at the top of, or directly above, any emergency exit door. "EMERGENCY EXIT" must be displayed at the top of, or directly above, or at the bottom of, any emergency exit window. They may be displayed on a separate colorless background (such as white, aluminum, or silver) that extends no more than 15 mm (.6") above or below the words and no more than 25 mm (1") to the right or left of the words.
- 10) A black arrow, curved or straight, at least 150 mm (5.9") in length and 15 mm (.6") in width, showing the direction each exterior emergency exit release mechanism is to be moved to open the emergency exit, shall be painted or permanently affixed on the exterior yellow portion of the bus within 150 mm (5.9") of each release mechanism.
- 11) An arrow showing the direction each interior emergency exit release mechanism is to be moved to open the emergency exit shall be painted or permanently affixed on the interior of the bus within 150 mm (5.9") of each emergency exit release mechanism. Each interior arrow shall contrast with its background and, where suitable space is limited, may be smaller than the exterior arrows but must be conspicuous.
- 12) Alternate Fuel
- A) *If the bus uses alternate fuel (e.g., propane, CNG), the vehicle must be marked with an identifying decal. Such decal shall be diamond shaped with white or silver scotchlite letters one inch in height and a stroke of the brush at least 1/4 inch wide on a black background with a white or silver scotchlite border bearing either the words or letters:*
- "PROPANE" = If propelled by liquefied petroleum gas other than liquefied natural gas; or*
- "CNG" = If propelled by compressed natural gas. The sign or decal shall be maintained in good legible condition.*
- B) *The alternate fuel decal shall be displayed near the rear bumper*

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*and visible from the rear of the vehicle.* (Section 12-704.3 of the Code)

- 13) The vehicle's length (rounded up to nearest whole foot) must be displayed on or adjacent to the interior bulkhead clearly within the driver's view. (For example: vehicle length of 39.1 feet will be displayed as 40 feet.) Each letter or numeral must be at least two inches high and black in color. The measurement must be taken from the front bumper to the rear bumper.
- 14) A "Stop Line" in contrasting color is required between 5.9 and 6.1 inches below the top of each side window opening. The line shall be located between each window that slides downward.
- 15) The decal described in this subsection (v)(15) is required to be displayed on every school bus registered in Illinois. The school bus manufacturer may elect to apply the decal at the time the school bus is manufactured or the decal may be applied by the school bus owner after the school bus is purchased. A white decal with black lettering and numerals that measure one inch high must be displayed on the rear of the bus. The decal must display the words TO REPORT ERRATIC DRIVING followed by the area code and phone number of the bus owner. The decal shall be located on the rear window glazing below the rear seat back, on the bus body below the window line, or on the rear bumper. The decal must be visible to the motoring public from the rear of the bus and cannot obstruct any required lettering or numerals. The decal cannot be located on any emergency door glazing or any emergency window glazing. Magnetic signs are not allowed. (See P.A. 95-0176, effective January 1, 2008.)
- 16) The decals described in this subsection (v)(16) are required to be displayed on every school bus registered in Illinois if an audio and/or visual recording will be made of the interior of the school bus. The school bus manufacturer may elect to apply the decals at the time the school bus is manufactured or the decals may be applied by the school bus owner after the school bus is purchased. Two white decals with black lettering measuring one inch high shall be displayed, one on the exterior of the service (e.g., entrance) door or on the bus body adjacent to the service door if the door is not adequate to accommodate the decal and a second on the front interior bulkhead. The decals shall serve as a notice of audio and/or visual recordings. The exterior decal must not be located on any

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[service door glazing and the interior decal must not obstruct any other required lettering on the bulkhead. Magnetic signs are not allowed. \(See P.A. 95-0352, effective August 23, 2007.\)](#)

- [w#](#)) Locked Compartment (Optional). If specified by the purchaser, a lockable compartment may be installed for storage of fire extinguisher, first-aid kit, warning devices, wheel chocks, or other items.
- 1) The compartment locking device shall be connected with an automatic audible and visible alarm that will alert the driver when the engine is running and the compartment is locked. No alarm disconnect, "squelch control", or other alarm defeating mechanism shall be installed.
  - 2) A red cross, formed of five equal squares, and the words "FIRST-AID KIT" shall be displayed on the compartment door, or cover, if the first-aid kit is to be carried in the locked compartment.
  - 3) The words "FIRE EXTINGUISHER" shall be displayed on the compartment door, or cover, if the fire extinguisher is to be carried in the locked compartment.
- [x#](#)) Metal Treatment.
- 1) Unless excluded below, all steel or iron used in construction of the bus body and attached equipment shall be either resistant to atmospheric corrosion, or zinc coated, or treated by equivalent process. Particular attention shall be given to each fastener or attaching device, lapped surface, welded connection or fastening, cut edge, punched or drilled hole, surface subjected to abrasion, closed or box section, and any unvented or undrained area or space. The number of unvented or undrained areas or spaces is to be minimized. Excluded are door handles, grab handles, and interior decorative parts.
  - 2) As evidence that above requirements have been met, a sample of fastener, material, or section of body, coated or finished as installed in the bus, when subjected to a 1,000-hour salt spray test in accordance with American Society for Testing and Materials (ASTM) Standard B-117-1997 "Method of Salt Spray (Fog) Testing" shall not exhibit more than 10 percent reduction in weight after all adherent corrosion products are

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removed.

| yw) Mirrors.

- 1) Interior Mirror – A mirror that measures at least 6 inches x 30 inches overall shall be located inside the bus. The mirror shall afford the operator a good view of the bus interior and portions of the roadway to the rear. It shall be firmly supported, constructed of clear-view safety glass and securely backed and framed. It shall have rounded corners. Edges shall be padded to reduce danger of injury upon impact. Exception: For buses that meet the definition of a Type I-A school bus, as defined in Section 440.220, the interior mirror may meet manufacturer's specifications.
- 2) All exterior mirror systems shall conform to the applicable requirements of FMVSS 111 (49 CFR 571.111).
- 3) More convex mirrors than required above may be installed, if specified by the purchaser.
- 4) The reflecting surface on the backside of each mirror glass shall be protected from abrasion, scratching, and atmospheric corrosion.

| zx) Mounting of Body. This subsection does not apply to an integral type bus.

- 1) After the date of manufacture of the incomplete vehicle, the chassis frame shall not be altered so as to extend the wheelbase. Other extensions of the chassis frame may be accomplished only by the incomplete vehicle, intermediate, or final-stage manufacturer or by an agent of such manufacturer properly instructed and authorized by such manufacturer to make such extensions.
- 2) Insulating material shall be placed at all mounting points between the body and chassis frame. This material shall be at least 5 mm (.2") thick, may have the quality of the sidewall of an automobile tire, and shall be so secured that it will not move, vibrate, or "crawl" out of place during normal operations.
- 3) The body front shall be attached and sealed to the chassis cowl so as to prevent the entry of water, dust, or fumes through the joint between the

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chassis cowl and the body.

[aay](#)) Radio Noise. Radio/stereo speakers must be located at least four feet behind the rearmost position of the driver's seat.

AGENCY NOTE: Two-way communication radios are allowed.

[bbz](#)) Rack, Book. Not permissible.

[cca](#)) Reflectors.

1) Front

A) *Two yellow rigid or sheet type (tape) front reflex reflectors shall be attached securely and as far forward as practicable.* (Section 12-202 of the Code) They shall be located between 15 and 60 inches above the roadway at either fender, cowl, or body and installed so as to mark the outer edge of the maximum width of the bus. No part of the required reflecting material may be obscured by a lamp, mirror, bracket, or any other portion of the bus. No part of the required reflecting material may be more than 11.8 inches (300 mm) inboard of the outer edge of the nearest rub rail. The reflector may be any shape (e.g., square, rectangle, circle, oval, etc.). A rigid type reflex reflector may be any size if permanently marked either DOT, SAE A, or SAE J 594; otherwise, it shall display at least seven square inches of reflecting material (about three inch diameter if a solid circle).

B) A sheet type (tape) reflex reflector which conforms to FMVSS 108 (49 CFR 571.108 (S5.7.1.2)) may be used but its forward projected reflecting area shall be at least eight square inches.

2) Left Side. *One amber no more than 12 inches from the front and one red no more than 12 inches from the rear. Mounted at a height not less than 15 inches and not more than 60 inches above the surface of the road.* (Section 12-202 of the Code) On buses 20 feet or more in length, one amber reflector as near center as practicable must also be provided. The reflector must measure a minimum of three inches in diameter.

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- 3) Right Side. *One amber no more than 12 inches from the front and one red no more than 12 inches from the rear. Mounted at a height not less than 15 inches and not more than 60 inches above the surface of the road.* (Section 12-202 of the Code) On buses 20 feet or more in length, one amber reflector as near center as practicable must also be provided. The reflector must measure a minimum of three inches in diameter.
- 4) Rear. *Two red reflectors on rear body within 12 inches of lower right and lower left corners.* (Section 12-202 of the Code) The reflectors must measure a minimum of three inches in diameter.

| ddd) Rub Rails.

- 1) Each rub rail shall be 4" or more in width in its finished form, shall be constructed of 16-gauge steel or suitable material of equivalent strength and shall be constructed in corrugated or ribbed fashion.
- 2) There shall be one rub rail located approximately at seat level that shall extend from the rear of the service entrance completely around the exterior of the bus body without interruption, except at a rear emergency door or a rear compartment, to a point of curvature near the front of the body on the left side.
- 3) There shall be one rub rail on each side located approximately at floor line that shall extend over the same longitudinal distance as the rub rail required under subsection dd(~~bb~~)(2), except:
  - A) This rub rail need not extend across a wheel housing, and
  - B) This rub rail may terminate at the radii of the right and left rear corners of the body.
- 4) More than two rub rails may be installed on a side and/or the rear of a bus.

| eee) Seating. Each seat and each barrier are required to conform to FMVSS 222 (49 CFR 571.222).

- 1) Seat, Driver's. The driver's seat shall be rigidly positioned, and shall afford both vertical and fore-and-aft adjustments of not less than 100 mm

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(3.9"), without the use of a tool or other non-attached device. The shortest distance between the steering wheel and the back rest of the operator's seat shall be no less than 280 mm (11").

## 2) Seats, Students'.

- A) Each seat (except as provided in subsection ~~(ee)(2)(E)(ee)(4)~~) shall be constructed so that the shortest straight-line distance from the top of the seat back to the empty seat cushion is 28" when measured near the transverse center of the seat at the front of the seat back and along the angle of rearward inclination of the seat back. Since the height of a seat back is difficult to measure precisely on a repeated basis, a measurement of 27.5" or more is deemed acceptable.
- B) Each seat shall be forward facing (except as provided in subsection ~~(ee)(2)(E)(ee)(4)~~).
- C) A flip-up seat may be located only immediately adjacent to any side emergency door. The flip-up seat must conform to the following:
- i) The seat must be designed so that, when in the folded position, the seat cushion is flat against the seat back to prevent a child's limb from becoming lodged between the seat cushion and seat back.
  - ii) The seat must be designed to discourage a child from standing on the seat cushion when in the folded position.
  - iii) The working mechanism under the seat must be covered to eliminate any tripping hazard.
  - iv) All sharp metal edges on the seat must be padded to prevent any snagging hazard.
  - v) No portion of the door latch mechanism can be obstructed by a seat.

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vi) There must be at least 11.7 inches (30 cm) measured from the door opening to the seat back in front.

D) Optional seat safety belts must be installed according to specifications provided by the bus body manufacturer. This may include reinforced seats and seat frames.

3) ~~Barriers, Students'. The vertical distance from the floor covering to the top of a barrier positioned in front of a student's seat (as required by 49 CFR 571.222) shall measure not less than the vertical distance from the floor covering to the top of the seat back on the seat installed behind that barrier.~~

E4) In the case of a seat to be occupied by a student with special needs, ~~seating requirements the seat back, forward facing, and barrier requirements of subsections (cc)(2) and (3)~~ shall be changed only as necessary to meet the needs of the student with special needs (e.g., seat missing to accommodate wheelchair, hard surfaced stretcher installed to accommodate child who is not capable of sitting in an upright position) (see 92 Ill. Adm. Code 444).

ffdd) ~~SafetySeat~~ Belt, Driver's.

- 1) Each driver's safetyseat belt assembly shall be arranged so that all portions of the assembly remain above the floor when not in use. If retractors are installed, they shall be the emergency locking type.
- 2) Buses must be equipped with a lap belt/shoulder harness design for the driver.

ggee) Service Entrance and Door.

- 1) The service entrance shall be located on the right side near the front, in unobstructed and convenient view of the driver. The service entrance shall have a minimum vertical opening of 1.7 m (67") and a minimum horizontal opening of 610 mm (24").
- 2) A steel grab handle not less than 250 mm (9.8") in length shall be firmly attached in an unobstructed location on the left side of the entranceway as

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a person enters the bus. [An optional grab handle can also be located on the right side of the entranceway.](#)

- 3) The bottom step in the entranceway shall not extend beyond the exterior of the body. With all seats empty, the bottom step shall be not less than 300 mm (11.8") and not more than 400 mm (15.7") from the roadway. At least two steps shall be provided. The steps shall be enclosed. Risers shall be approximately equal. Each step, including the floor at the top riser, shall be surfaced with a nonskid material with a 40 mm (1.6") to 80 mm (3.1") white nosing as an integral piece.
- 4) The service door shall be either manually or power operated by the seated driver. When in the closed and secured position, the door operating mechanism shall prevent accidental opening but shall afford prompt release and opening by the driver. No exposed parts of a door operating mechanism shall come together so as to shear or crush fingers. The vertical closing edges of a service door shall be padded to lessen chance of injury.
- 5) A power operated door shall be equipped for emergency manual operation in case of power failure. Instructions for emergency operation of a power operated door shall be affixed permanently on the interior of the door in letters at least 12 mm (.5") high.
- 6) A single-section service door shall be hinged at the front of the service entrance.
- 7) Glazed panels shall be installed in the service door to afford the driver a view of small children outside the door, traffic signs, and intersecting roadways. The bottom of each lower glass panel shall not be more than 10 inches from the top surface of the bottom step. [The top of each upper glass panel when viewed from the interior shall be not more than 3 inches below the interior door control cover or header pad.](#) ~~The top of each upper glass panel shall not be more than 3 inches from the top of the door.~~
- 8) Service Door Lock (Optional). If ordered by the purchaser, a lock may be installed on or at the service door. Any type service door locking system installed in the bus shall conform to at least one of the following requirements.

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- A) Requirement 1: A locking system shall not be capable of preventing the driver from easily and quickly opening the service door; or
- B) Requirement 2: A locking system that is capable of preventing the driver from easily and quickly opening the service door shall include an audible and visible alarm to alert the driver when the engine is running and the service door is locked. No alarm disconnect, "squelch control", or other alarm defeating or attenuating device shall be installed; or
- C) Requirement 3: A locking system shall not be capable of preventing the driver from easily and quickly opening the service door except when, and only when, a person outside the bus uses a key that is not capable of locking more than one of at least 1000 of the door manufacturer's key locking systems.

hhff) Steering Wheel Clearance. The rim grip of the steering wheel shall have at least 50 mm (2") clearance in all directions, except at the spokes.

iiigg) Steps, Body Front. On each side at the front of the body at least one grab handle and recessed foothold or folding stirrup step shall be installed so as to provide easy access to the windshield for cleaning purposes. Exception: Type I-A school buses are exempt.

jjhh) Stop Signal Arm Panel.

- 1) A stop signal arm panel must be installed on the left side of the bus that conforms to 49 CFR 571.131. Decals may be used in lieu of painting. Strobe lamps are acceptable on stop signal arm panels.
- 2) Section 440.Illustration B depicts the octagon shaped semaphore required in subsection (jj)(hh)(1).
- 3) Additional stop signal arm panels may be added at the purchaser's request. Additional panels must be located on the left side of the bus. Additional panels must operate in conjunction with the required panel and meet all stop arm panel requirements except as follows. The additional panel must

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not contain any marking or reflective material on the front side of the panel. The additional panel must be located in the rear half of the bus adjacent to the rearmost window.

| [kkii](#)) Storage Compartments (Optional).

- 1) If installed, the storage compartments shall be fire-resistant and of adequate strength and capacity for the storage of the items to be carried, such as tire chains, tow chains, tools for roadside or minor repairs, school activity equipment, etc. The compartments shall provide reasonable security for the contents and shall be constructed and installed so as to preclude passenger injury due to the compartments or the contents becoming dislodged when the bus is subjected to the maximum possible braking force and to minimize chances of such injury when the bus is subjected to a collision impact.
- 2) If a relatively small storage compartment is located inside the passenger compartment, seat cushions alone may not serve as the cover for the compartment.

| [lljj](#)) Sun Visor. An interior, adjustable, transparent, tinted sun visor not less than 150 mm (5.9") high by 760 mm (29.9") wide shall be so installed that it can be turned up and will remain up when not in use. It may be supported so that it can be moved for use on the driver's left, but when used in front of the driver and in a position approximately parallel to the windshield it shall be supported at or near each of its ends so as to minimize its vibration. Exception: For school buses that meet the definition of a Type I-A school bus, as defined in Section 440.220, the sun visor may meet manufacturer's specifications.

| [mmkk](#)) Tow Hook, Rear (Optional). Any tow hooks installed on the rear shall be attached or braced to the chassis frame, or to an equivalent structural member of an integral type bus. A tow hook may not extend beyond the rear face of the rear bumper.

| [nnll](#)) Undercoating. The underside of the body, including floor members and the side panels below the floor, shall be coated with a fire-resistant undercoating material applied by the spray method so as to seal, insulate, reduce corrosion, and reduce interior noise. Non-metallic components need not be coated.

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~~oomm~~) Ventilation. The body shall be equipped with a controlled ventilation system of sufficient capacity to maintain a satisfactory ratio of outside to inside air under cool and cold operating conditions without opening of windows. With a powered ventilation system, air outlet openings shall be located, sized, and manufactured so that, with doors and windows closed, a positive pressure is maintained in the driver and passenger spaces, to lessen chances of dangerous gas entering such spaces. Fresh air inlets shall be located so as to minimize entrance of either dangerous engine gas or obnoxious engine fumes.

~~ppnn~~) Warning Devices (~~Optional~~).

AGENCY NOTE: Warning devices are required to be carried on each school bus transporting pupils. The manufacturer may elect to install the warning devices at the time the school bus is manufactured; however, warning devices can also be installed by the owner after the school bus is purchased.

- 1) *Emergency warning devices are required to be carried on school buses weighing more than 8,000 pounds and operated upon any highway outside an urban district. The warning devices must be securely stored. The warning devices required for use when lighted lamps are required (see Section 12-201(b) of the Code) shall consist of:*
  - A) At least three liquid-burning flares and three red-burning 15-minute fusees; or
  - B) Three red electric lanterns; or
  - C) Three portable red emergency reflectors that meet FMVSS No. 125.
- 2) In addition, the following warning devices are also required for use when lighted lamps are not required (see Section 12-201(b) of the Code):
  - A) Two red cloth flags (not less than 12 inches square with standards to support flags); or
  - B) Two portable emergency reflectors that meet FMVSS No. 125. (The reflectors in subsection ~~(pp)(1)(c)(mm)(3)~~ qualify for this option.) (See Section 12-702(a) and (c) of the Code.)

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- ~~qqee~~) Weight Distribution and Gross Weight. Storage or cargo spaces, if installed, and seats shall be located so that when the bus is fully loaded as specified or advertised by the manufacturer the loads exerted on the roadway will exceed neither a tire load rating, nor a gross axle weight rating, nor the gross vehicle weight rating indicated by the data displayed on the label permanently affixed in compliance with Section 440.310.
- ~~rrpp~~) Wheel Housings.
- 1) Each wheel housing opening shall allow for unimpeded wheel and tire service or removal.
  - 2) Each rear wheel housing shall provide the clearance recommended in SAE Information Report J683 (August 1985) for installation and use of tire chains on the dual or single tires installed on the rear wheels.
- ~~ssqq~~) Windows or Glazed Panels, Rear. Glazed panels, or windows, shall be installed in the rear of the bus so as to afford the seated driver a reflected view through the rear of the bus as wide and as high as practical without unduly weakening or increasing the cost of the body structure. Such view shall be as low as allowed by the backs of the rear seats except that, when the aisle required under subsection (a), extends to a rear emergency door, an additional lower glazed panel shall be installed to afford the driver an additional view through such panel at least the width of the required aisle and as low and high as practical.
- ~~ttff~~) Window Openings, Side. This subsection does not apply to a window or glazed panel installed forward of a front passenger seat, and is optional for a window installed either beside a rear passenger seat, special service door, or in a side emergency exit.
- 1) All side windows shall open from the top only and shall operate freely.
  - 2) There shall be one vertical opening side window for each seat.
  - 3) Each side window shall provide an unobstructed emergency egress opening at least 9" high and 22" wide. The opening may extend to 18" above the unoccupied passenger seat cushion but no closer (to the seat cushion).

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- 4) A stop line for the window opening shall be applied 6" from the top of the window opening.
- 5) The side windows may be split sash.
- 6) The window latches shall be recessed.

AGENCY NOTE: See Section 440.420(q)(~~o~~) for glazing material requirements.

uuss) Windshield.

- 1) The windshield shall be large enough to permit the operator to see the highway clearly, and shall be curved or slanted to reduce glare. The front cornerposts and other supports shall be shaped and located so as to cause as little obstruction to the driver's view of the highway as practical.
- 2) The windshield shall have a graduated glazing shade band across the top. The definition and boundary of this shade band shall be as recommended in SAE Recommended Practice J100 (November 1999).

vvtt) Windshield Wipers. See the FMVSS for requirements (49 CFR 571.104).

wwwu) Windshield Washer. See the FMVSS for requirements (49 CFR 571.104).

xxvv) Wiring.

- 1) All wiring for lamps and other electrical devices shall be as recommended for automobiles, motor coaches, and heavy duty starting motor circuits in SAE Recommended Practices J1292 (October 1981) and J541a (October 1996) and in other practices or standards referenced therein, unless preempted by FMVSS. (See the FMVSS (49 CFR 571) for requirements.)
- 2) All circuits, except those for the alternately flashing signal lamps and the stop signal arm lamps, may be divided into independent circuits. Whenever feasible, all other electrical functions (sanders, windshield wipers, heaters, defrosters, etc.) shall be provided with independent and properly protected circuits.

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- 3) Each body circuit shall be coded either by numerals and/or letters at approximately 100 mm (3.9") intervals, or by color and numerals and/or letters, or by colors only. The codes shall appear on a diagram of the circuits in a readily accessible location.
- 4) A separate fuse, circuit breaker, or electronic circuit protection shall be provided for ~~all circuits at least each circuit required under subsection (vv)(2)(A)~~, except that components of the engine starter and ignition circuits may be protected by other means.
- 5) Wires not enclosed within the body shall be fastened securely at intervals of not more than 460 mm (18.1").
- 6) All terminals and splice clips shall be accessible.
- 7) The chassis manufacturer shall install a readily accessible electrical terminal so that the net body and chassis electrical current flow can be indicated through a chassis ammeter without dismantling or disassembling the chassis component. The chassis wiring to this terminal shall have a current carrying capacity at least equal to the maximum generator output.
- 8) All school buses manufactured on or after January 1, 2006 must be manufactured with a noise suppression switch that is capable of turning off noise producing accessories, including, but not limited to, heater blowers, defroster fans, auxiliary fans and radios. (See Section 12-815.2 of the Code.)

(Source: Amended at 32 Ill. Reg. 17983, effective November 10, 2008)

## SUBPART F: CHASSIS REQUIREMENTS

**Section 440.520 State Requirements**

*Except for mirrors, which may project 152 mm (6 inches), a school bus shall not exceed 2.625 m (8 feet) in width, 4.429 m (13 feet 6 inches) in height, nor 13.78 m (42 feet) in length (Sections 15-102 and 15-107 of the Code). Exceptions to the above are shown in Section 440.420 of this Part. Various portions of the bus chassis shall conform to the requirements set forth under the following subsections.*

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- a) Air Cleaner.
  - 1) A dry element type air cleaner shall be provided.
  - 2) All diesel engine air filters shall include a latch-type restriction indicator that retains the maximum restriction developed during operation of the engine. The indicator should include a reset control so the indicator can be returned to zero when desired. Diesel-powered school buses that meet the definition of a Type I-A school bus, as defined in Section 440.220, are exempt from the restriction indicator requirement.
- b) Axles. Must meet federal chassis requirements as indicated on the federal certification label as required by 49 CFR 567 and 49 CFR 568.
- c) Battery. See Section 440.420(c)(b) of this Part.
- d) Brakes. See the FMVSS for requirements (49 CFR 571.105).
- e) Bumper, Front. The front bumper shall be of channel type cross section, shall be formed from rolled steel at least 4.5 mm (.177 inches) thick, shall have not less than a 200 mm (7.9 inches) vertical face, and shall extend to protect the outer edges of the fenders, or the body of a forward control bus. The bumper shall be of sufficient strength to permit pushing another vehicle of equal gross weight without permanent distortion. Exception: For school buses that meet the definition of a Type I-A school bus, as defined in Section 440.220, the bumper may meet manufacturer's specifications when the Type I-A school bus is equipped with a driver side air bag.
- f) Clutch. A bus having a manual shift transmission shall be equipped with the type and size of clutch recommended by the incomplete vehicle manufacturer for heavy duty service between the engine and transmission installed in the bus.
- g) Color and Paint. See Section 440.420(i)(g) of this Part.
- h) Drive Shaft. A suitable guard shall be provided for each segment of the drive shaft to prevent accident or injury if the shaft breaks or becomes disconnected.
- i) Engine. Type and displacement may be specified by the purchaser.

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## j) Exhaust System.

- 1) The exhaust pipe, muffler and tail pipe shall be outside the bus body and attached to the chassis.

[AGENCY NOTE: As mandated by the United States Environmental Protection Agency \(USEPA\), diesel-powered engines manufactured after December 31, 2006 are required to meet stricter standards that will reduce emissions of particulate matter and nitrogen oxides into the atmosphere. School bus manufacturers may be required to modify exhaust systems to meet the USEPA requirements, e.g., mufflers may be replaced with after-treatment devices that significantly reduce toxins released into the atmosphere. Modifications to exhaust systems made in compliance with the USEPA requirements are acceptable provided they do not impact the safe operation of the school bus.](#)

- 2) The exhaust system shall be insulated from any insulated wire, flammable material, brake hose or line, or fuel system component by a securely attached metal shield at any point where the exhaust system is 11.8 inches (300 mm) or less (four inches (101.6 mm) or less if diesel powered engine) from the components listed in this subsection (j)(2).
- 3) The tail pipe shall be extended to exit the exhaust gases either to the right or left side, or rear of the bus, except for prohibited zones as shown in Illustration C of this Part.
- 4) The tail pipe shall extend out to but not more than 1 inch (25.4 mm) beyond the perimeter of the body or the bumper.
- 5) The shielding of engine compartment components shall be governed by the chassis manufacturer's standards.
- 6) Each gas conducting component that is not of stainless steel shall be of commercial heat and corrosion resistant exhaust system material and shall be nonflexible.
- 7) For school buses that meet the definition of a Type I-A school bus, as defined in Section 440.220, the tail pipe may meet the chassis manufacturer's standard configuration. However, the tail pipe shall not

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exit beneath any fuel filler location or beneath any emergency exit door.

- k) Frame. See Section 440.420(~~z~~)(~~x~~)(1) of this Part.
- l) Generating System. The generating system may utilize either mechanical rectification (commutator type) or diode rectification (alternator type).
- 1) The generator output shall be regulated automatically so as to provide for efficient battery charging without causing damaging potentials or currents in any part of the electrical system. Automatic means shall be provided to prevent battery discharge through the generator while the generator is not delivering current.
  - 2) The generator in a nominal 12 volt system shall be able to deliver a continuous current of 60 amperes, or more, while its automatic regulating devices are connected and functioning properly and the engine is running no faster than the speed at which it delivers its maximum net torque at the engine flywheel.
  - 3) The generator in a nominal 12 volt system shall be able to deliver a continuous current of 20 amperes, or more, while its automatic regulating devices are connected and functioning properly and the engine is running no faster than the curb idle speed recommended by the engine manufacturer.
  - 4) The generator in a nominal voltage system higher or lower than 12 volts shall be able to deliver at least the same continuous power (watts) as indicated under subsections (1)(2) and(3) of this Section, at the engine speeds indicated therein.

AGENCY NOTE: Where a bus must operate under adverse conditions such as low engine speeds, frequent periods of engine idle, and/or with high electrical load (frequent use of signals and interior lamps, high heater/defroster loads, etc.) for prolonged periods of time, the purchaser should specify a larger generator commensurate with operating conditions.

- m) Horns.
- 1) At least one horn shall be installed giving an audible warning at a distance

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of 200 feet. The horns shall be controlled conveniently by the seated driver and tested in accordance with SAE Standard J377 (March 2001).

- 2) A siren, whistle, or bell may not be installed to attract attention of pedestrians or drivers outside the bus (Section 12-601(b) of the Code). This prohibition shall not be interpreted to prohibit use of such devices inside the bus body to provide warnings to the bus driver.
- n) Instruments. The bus shall be equipped with at least the following nonglare illuminated instruments and gauges mounted for easy maintenance and repair and in such a manner that each is clearly visible to the seated driver:
- 1) Ampere meter or volt meter, with "charge" and "discharge" indications, provisions for 100 ampere, or more, continuous current indication, and arranged so as to remain unharmed by any [ampere meterammeter](#) current flow resulting from the installed generator operating at its maximum output;
  - 2) Gauge, Air Pressure or Vacuum (where air pressure or vacuum is utilized either to apply or to assist in applying the service brakes);
  - 3) Gauge, Engine Coolant Temperature;
  - 4) Gauge, Engine Oil Pressure;
  - 5) Gauge, Fuel;
  - 6) Odometer (may be combined with speedometer; may indicate kilometers traveled if such indication is shown, clearly and conspicuously);
  - 7) Speedometer, with both miles per hour and kilometers per hour scales that are easily readable.
- o) Lamps and Signals. See Section 440.420(u)~~(s)~~ of this Part.
- p) Oil Filter. A "full flow" type engine oil filter of approximately 1 liter (1 quart) capacity shall be installed. The purchaser may specify additional "full flow" or "by-pass" type filters, or oil treatment devices.

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- q) Shock Absorbers. Two front and two rear double-acting shock absorbers of adequate capacity shall be installed.
- r) Spare Tire (Optional). The spare tire and rim, if supplied, shall be of the same size designation and load rating as the largest tire and rim installed on the bus. Each spare tire and rim shall be suitably mounted in an accessible location outside the passenger compartment.
- s) Springs and Suspension. Each spring and other component in any of the suspension systems shall be capable of supporting its share of the rated gross axle weight during normal operations. Where spring failure could result in total loss of control of the bus, suitable means shall be provided to make such total loss most unlikely.
- t) Steering Mechanism. Power steering is optional. The steering mechanisms shall provide safe and accurate performance at maximum load and speed and shall be adjustable while installed on the completed bus. After the date of manufacture of the incomplete vehicle, the steering mechanisms shall not be modified unless such modification is done with the concurrence of the incomplete vehicle manufacturer and in accordance with the incomplete vehicle manufacturer's instructions.
- u) Tow Hooks, Front (Optional). A front tow hook may not extend beyond the front of the front bumper. Each front tow hook not fastened securely to the chassis frame shall be connected to the frame by suitable braces.
- v) Transmission. Unless otherwise specified by the purchaser, the transmission shall be manual-shift.
  - 1) A manual-shift transmission shall provide not less than 4 forward gear ratios and 1 reverse gear ratio. A synchromesh shifting mechanism shall be provided for each forward gear ratio except for the highest ratio; i.e., "first gear" or "low gear". (Synchromesh may be specified for "first" or "reverse" gears at the purchaser's option.)
  - 2) An automatic transmission may be specified by the purchaser. Such transmission shall provide not less than 3 forward gear ratios and 1 reverse gear ratio.
- w) Undercoating. The entire underside of front fenders or wheel wells shall be

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coated with a fire-resistant undercoating material in order to seal joints and to reduce corrosion and noise. Nonmetallic components need not be coated.

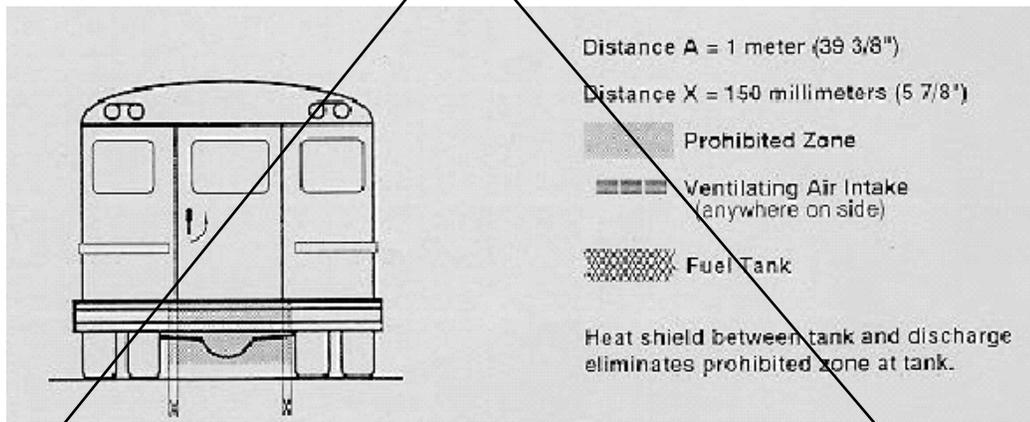
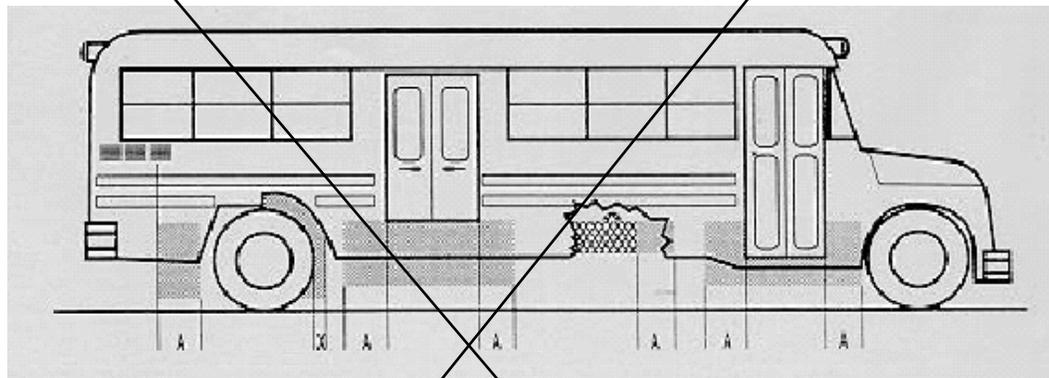
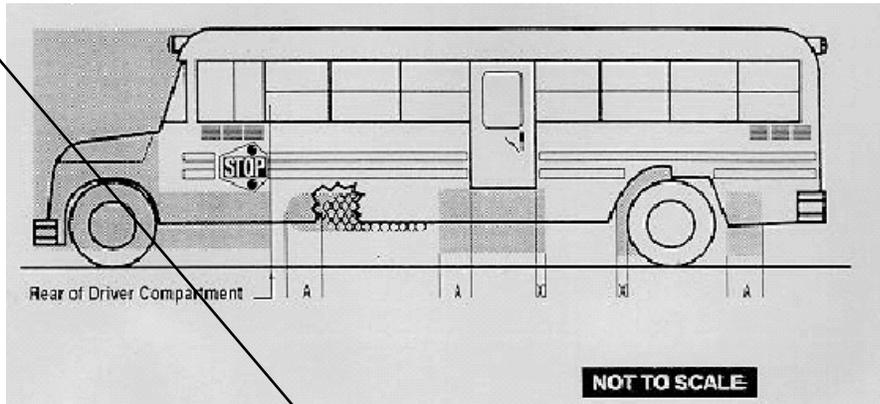
- x) Wiring. See Section 440.420(~~xx~~)(~~vv~~) of this Part.

(Source: Amended at 32 Ill. Reg. 17983, effective November 10, 2008)

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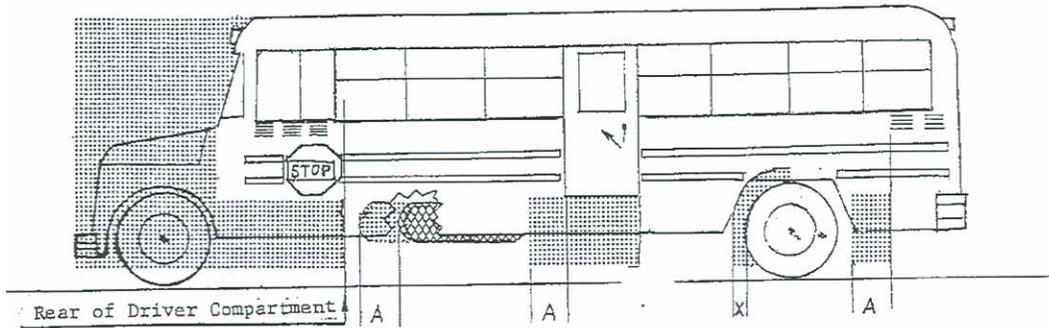
NOTICE OF ADOPTED AMENDMENTS

**Section 440. ILLUSTRATION C Exhaust Discharge Prohibited Zones**

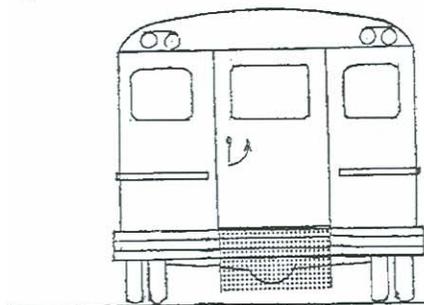
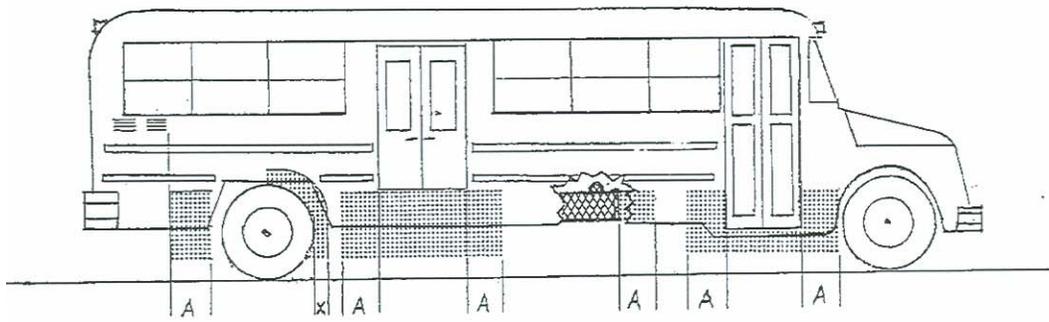


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NOT TO SCALE



Distance A = 1 meter (39 3/8")

Distance x = 150 millimeters (5 7/8")

 Prohibited Zone

 Ventilating Air Intake  
(anywhere on side).

 Fuel Tank

Heat shield between tank & discharge  
eliminates prohibited zone at tank.

(Source: Amended at 32 Ill. Reg. 17983, effective November 10, 2008)

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- 1) Heading of the Part: Oversize and Overweight Permit Movements on State Highways
- 2) Code Citation: 92 Ill. Adm. Code 554
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
554.103	Amend
554.109	Repeal
554.112	Amend
554.201	Amend
554.301	Amend
554.306	Amend
554.315	Amend
554.407	Amend
554.501	Amend
554.604	Amend
554.605	Amend
554.607	Amend
554.705	Amend
554.804	Amend
554.907	Amend
- 4) Statutory Authority: Implementing and authorized by Article III of the Illinois Size and Weight Law [625 ILCS 5/Ch. 15, Art. III]
- 5) Effective Date of Amendments: November 7, 2008
- 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 amendments, including any material incorporated by reference, is on file in the Department's Office of Chief Counsel and Division of Highways and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 1, 2008; 32 Ill. Reg. 12293
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No

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- 11) Differences between proposal and final version: At Section 554.201(b)(6), the Department changed "...excluding specific holidays and holiday weekends." to "...excluding the holidays specified in subsection (b)(3).".
- 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 rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Following is a summary of the significant changes to this Part.

At Section 554.103, the Department added a second phone number to assist the applicant in contacting the Permit Office regarding questions on permit policies.

At Section 554.109, the Department repealed this language because data on for-hire moves is no longer required to obtain a permit.

At Section 554.112, the Department updated provisions to reflect current practice.

At Section 554.201, the Department added a subsection, in response to a request from the Illinois Trucking Association, to expand weekend hours of movement for over-dimension permit moves. Illinois is the only state in the Midwest, and one of only three nationwide, that currently prohibits all types of over-dimension permit movements on Saturday afternoons and Sundays. This change will improve commerce, reduce the amount of over-dimension traffic on weekdays (especially Mondays), and reduce the lack of parking spaces on weekends, in particular at rest stops and rest areas.

At Section 554.301, the Department is encouraging the use of the internet when applying for a permit since the processing time is significantly faster.

At Section 554.306, the Department added an updated internet address and revised terms (throughout the rulemaking) to reflect commonly-understood industry terminology.

At Section 554.315(a)(6), the Department corrected a conflict between this subsection and Section 554.212 by adding language that reinforces the provisions of Section 554.212 pertaining to fraudulent permits.

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At Section 554.407, the Department made several changes to reduce the number of permit loads that will require Illinois State Police escorts.

At Section 554.604, the Department updated the rule to reflect current practice.

At Section 554.705, the Department made a change pursuant to 625 ILCS 5/15-111 to relax the requirement concerning the distance an over-length tow truck may travel when moving a disabled vehicle.

At Section 554.804, the Department amended language to provide for permits for over-width containers designed for transporting radioactive materials.

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

Mr. Steven Todd, Permit Unit Chief  
Illinois Department of Transportation  
Division of Highways, Bureau of Operations  
2300 South Dirksen Parkway, Room 009  
Springfield, Illinois 62764

217/785-8967

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 f: HIGHWAYS

## PART 554

## OVERSIZE AND OVERWEIGHT PERMIT MOVEMENTS ON STATE HIGHWAYS

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554.912	Special Categories of Fees (Repealed)
554.913	Other Overweight Fees (Repealed)
554.914	Fees for Round Trip and Repeat Move of Like Object Permits (Repealed)
554.915	Fee Schedules (Tables 1, 2, and 3) (Repealed)
554.APPENDIX A	Data Relative to Vehicles Authorized to Operate on Illinois Highways (Repealed)
554.APPENDIX B	Legal Gross Weights of Vehicles and Combinations of Vehicles Authorized by Section 15-111, Illinois Vehicle Code (Repealed)
554.APPENDIX C	Application Form BT 1928 (Repealed)
554.APPENDIX D	Special Vehicle Movement Permit – Form BT 993 (Repealed)
554.APPENDIX E	Form BT 750 (Repealed)
554.APPENDIX F	Form BT 751 (Repealed)
554.APPENDIX G	Application for Establishment of an Open Account with the Permit Section, Bureau of Traffic (Form BT 1932) (Repealed)
554.APPENDIX H	Bond for Payment of Special Permit Fees and Charges to Illinois Department of Transportation for Movement of Vehicles of Excess Dimensions or Weight Over Illinois Highways (Form BT 1931) (Repealed)

AUTHORITY: Implementing and authorized by Article III of the Illinois Size and Weight Law [625 ILCS 5/Ch. 15, Art. III].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 2, p. 256, effective January 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 24, p. 586, effective May 29, 1980; codified at 7 Ill.

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Reg. 9672; amended at 11 Ill. Reg. 3248, effective February 3, 1987; amended at 12 Ill. Reg. 13232, effective July 29, 1988; amended at 20 Ill. Reg. 2565, effective January 25, 1996; amended at 21 Ill. Reg. 2682, effective February 10, 1997; amended at 23 Ill. Reg. 706, effective December 30, 1998; amended at 24 Ill. Reg. 18765, effective December 8, 2000; amended at 28 Ill. Reg. 15654, effective November 19, 2004; amended at 32 Ill. Reg. 18030, effective November 7, 2008.

## SUBPART A: GENERAL REGULATIONS

**Section 554.103 Scope**

- a) All applications for permits are given full consideration. Permits for proposed moves may be issued
  - 1) when the highways and bridges will not be unduly damaged; and
  - 2) when the safety of the traveling public will be adequately protected.
- b) A permit may also be issued when substantial benefits will be realized by a large segment of the public and potential damage and safety problems can be resolved.
- c) This Part is the official detailed policy written to provide a uniform system for issuing oversize and overweight permits. This Part is authorized by the Illinois Vehicle Code and, in addition to the statutes, governs the issuance of special permits. All of the terms, conditions, and informational requirements contained in this Part constitute the Department's official policies for this permit program.
- d) Questions regarding permits or permit policies should be directed to the Illinois Department of Transportation, Bureau of Operations, Permit Office, 2300 South Dirksen Parkway, Springfield, Illinois 62764 (217-782-6271 [or 217-558-1428](tel:217-558-1428)) or by email at: [permitoffice@dot.il.gov](mailto:permitoffice@dot.il.gov).

(Source: Amended at 32 Ill. Reg. 18030, effective November 7, 2008)

**Section 554.109 For-Hire Moves ([Repealed](#))**

~~Information concerning for-hire moves under the Illinois Commercial Transportation Law [625 ILCS 5/Ch. 18c] may be obtained from the Motor Carrier Division of the Illinois Commerce Commission, Springfield, Illinois 62706.~~

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(Source: Repealed at 32 Ill. Reg. 18030, effective November 7, 2008)

**Section 554.112 IDT Registration**

- a) Applicants for special permits may apply for IDT registration and for a decal (label) that will identify a specific vehicle and its classification ([forms are available from the Permit Office](#)). [Maximum dimensions on permit moves using a Class A tractor, a Class A semitrailer, or a Class B semitrailer are 14 feet 6 inches wide, 145 feet long and 15 feet high.](#) ~~Forms are available from the Permit Office.~~
- b) IDT classifications are as follows:
- 1) Class A Truck Tractor ([when moving with a permit](#)).  
A 3-axle vehicle with a 2-axle drive tandem capable of drawing a gross weight of up to 120,000 pounds; [maximum of 20,000 pounds on steering axle and 48,000 pounds on tandem](#).
  - 2) Class A Semitrailer ([when moving with a permit](#)).  
A 3-axle tandem semitrailer that, together with a truck tractor, will support and move a gross weight of 120,000 pounds; [maximum of 60,000 pounds on tandem](#).
  - 3) Class B Semitrailer ([when moving with a permit](#)).  
A 2-axle tandem semitrailer that, together with a truck tractor, will support and move a gross weight of 100,000 pounds; [maximum of 48,000 pounds on tandem](#).
  - 4) Class M Mobile Crane or Well Drilling Vehicles ([when moving with a permit](#)).  
A 4-axle vehicle; 76,000 pounds gross weight; maximums of 34,000 pounds on one tandem and 44,000 pounds on the other; wheelbase 23 feet or more; not more than 12 feet wide; not over 60 feet long; [not more than 15 feet high](#).
  - 5) Class N Mobile Crane or Well Drilling Vehicles ([when moving with a permit](#)).  
3-axle vehicle; 68,000 pounds gross weight; 20,000 pounds on steering axle and 48,000 pounds on tandem; wheelbase 18 feet or more; no more

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than 12 feet wide; not over 60 feet long; not more than 15 feet high.

- c) Conditions under which classification and registration may be obtained and used:
- 1) IDT decals are valid for up to two years and cost \$5.00 each. Checks should be made payable to "Treasurer, State of Illinois."
  - 2) To be valid, the proper decal must be affixed to the left side of the vehicle in a conspicuous place.
  - 3) When vehicles are classified and decals issued, vehicles may be identified both in applications for permits and in permits by classification only, provided the proposed move does not exceed the classification limits of the vehicle or of any vehicle within the combination.
  - 4) Vehicles identified only by classification may be used in combinations other than truck tractor semitrailers, providing axle spacings are furnished.

(Source: Amended at 32 Ill. Reg. 18030, effective November 7, 2008)

## SUBPART B: TYPES OF PERMITS

**Section 554.201 Permits for Single Trip Movements**

- a) Permits for single trip movements are issued for one-way movement. These permits are valid for 5 working days.
- b) Unless stated otherwise on the permit:
  - 1) permit movements may be made only from onea half hour before sunrise to onea half hour after sunset on weekdays and from onea half hour before sunrise to noon on Saturday unless subsection (b)(5) or (b)(6) of this Section applies;
  - 2) permit movements are prohibited on Sunday unless subsection (b)(5) or (b)(6) of this Section applies; ~~and on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day~~
  - 3) permit movements are prohibited on New Year's Day, Memorial Day,

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Independence Day, Labor Day, Thanksgiving Day and Christmas Day;

- 43) permit movements will not be allowed later than noon on the day preceding a holiday or a holiday weekend; ~~and~~
- 54) categorical permit moves (~~see~~See Sections 554.504, 554.507, 554.508 and 554.604 for limitations pertaining to categorical moves) that are overweight only shall be allowed to move with no time restrictions; ~~and-~~
- 6) permit movements up to 12 feet wide, and/or up to 13 feet 6 inches high, and/or up to 115 feet in length that do not exceed practical maximum weights (see Section 554.604) may be made Monday through Saturday from one half hour before sunrise to one half hour after sunset and on Sunday from one half hour before sunrise to noon, excluding the holidays specified in subsection (b)(3).

(Source: Amended at 32 Ill. Reg. 18030, effective November 7, 2008)

## SUBPART C: ISSUANCE OF PERMITS

**Section 554.301 Transmission Media**

- a) For expedited service, the Department recommends the use of the Internet; however, permitsPermits may be applied for and issued by any of the following means:
- 1)a) By Internet or telephone ~~or Internet~~ – routine permits ~~not exceeding practical maximums~~ as shown in Sections 554.504, 554.507, 554.508, and 554.604, Single Trip Movement permits, Round Trip Movement permits, Repeated Moves of Like Objects permits, Limited Continuous Operations permits;
- 2)b) By Internet or fax – superload permits ~~that exceed practical maximums~~;
- 3)e) By mail or in person – all permits.
- b) Routine loads~~Loads that do not exceed practical maximums~~ may ~~also~~ be applied for via Internet 24 hours a day, 7 days a week. All costs of transmission are borne by the applicant.

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(Source: Amended at 32 Ill. Reg. 18030, effective November 7, 2008)

**Section 554.306 Method of Application**

Applications may be submitted in person or by mail at: Illinois Department of Transportation, Permit Office, Room 017, 2300 South Dirksen Parkway, Springfield, Illinois 62764, or on the Internet at <http://permits.dot.state.il.us/submit.html>~~http://permits.dot.il.gov~~. Permit applications may also be made by telephoning 217-785-1477 or 1-800-252-8636 within Illinois. Permit applications may be faxed to 217-782-3572. In compliance with Illinois Statutes, the Department has installed an automatic device for recording applications received and permits issued by telephone. In making application by telephone, the Department and the applicant waive all objections to the recording of the conversation. The following conditions apply to applications for various types of permits.

- a) Permits for single trip and round trip.
  - 1) Permits may be applied for on the Internet, by telephone or in writing by submitting Form OPER 1928 for routine permits ~~within the practical maximum size and weight limits~~ as shown in Sections 554.504, 554.507, 554.508, and 554.604.
  - 2) Applications for superload permits ~~shall exceed the practical maximum size and weight limits must~~ be submitted by Internet, by fax, by mail, or by walk-in and shall be submitted on Form OPER 2270.
- b) Permits for repeated moves of like objects (minimum of five applications).
  - 1) Applications must all be submitted at one time to the Permit Office.
  - 2) The applicant may telephone the Permit Office to activate permits that were applied for without an effective date.
- c) Permits for limited continuous operation may be applied for on the Internet, by fax, or in writing.
- d) Permits for the repeated moves directly across a highway or for the movement of an overweight 2-axle truck loaded with sweet corn, soybeans, corn, wheat, milo or other small grains and ensilage may be applied for by fax at 217-782-3573 or in

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writing on current Department Form BT 1163 or BT 757, respectively.

(Source: Amended at 32 Ill. Reg. 18030, effective November 7, 2008)

**Section 554.315 Definition of Violation of Permit**

- a) When operating under authority of an oversize/overweight permit issued by the Illinois Department of Transportation, the following list includes but is not limited to offenses that shall be considered a violation of permit but will not render the entire permit null and void:
- 1) Incorrect license number or state;
  - 2) Incorrect make, model, description or serial number;
  - 3) Incorrect number of axles;
  - 4) Gross, tandem or single axle weights that are in excess of those permitted. In this case, the violator may be fined for the excess weight in addition to the violation of permit;
  - 5) Incorrect width, length, and/or height of the permit load;
  - 6) Failure to comply with the general ~~and conditions~~, specific provisions, and notes listed on the permit. EXCEPTION: Failure to comply with the general and specific provisions and notes pertaining to minimum axle spacing, as described on the permit application and accompanying permit, will be considered a load operating without a permit, and the permit will be deemed fraudulent in accordance with Section 554.212(d).
- b) This list is not comprehensive, but reflects the most prevalent instances of violation of permit. Under a violation of permit, the permittee must either bring the permit load into conformance with the conditions of the permit or purchase a new permit before continuing.

(Source: Amended at 32 Ill. Reg. 18030, effective November 7, 2008)

## SUBPART D: GENERAL CONDITIONS AND PROVISIONS

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**Section 554.407 When Escort Vehicles Are Required**

- a) One civilian escort vehicle is required:
  - 1) For all moves that exceed 14 feet 6 inches in width;
  - 2) For all moves that exceed 110 feet in length;
  - 3) For all moves that exceed 14 feet 6 inches in height;
  - 4) For any move either across, upon, or along a highway when additional warning is required to alert the traveling public. For instance, if a movement is required to travel during darkness or on a weekend to respond to an emergency situation, a civilian escort will be required.
  
- b) Two civilian escort vehicles are required:
  - 1) For all moves that exceed 1816 feet in height;
  - 2) For all moves that exceed both 14 feet 6 inches in width and 14 feet 6 inches in height;
  - 3) For all moves that exceed both 14 feet 6 inches in height and 110 feet in length;
  - 4) For all moves that exceed both 14 feet 6 inches in width and 110 feet in length.
  
- c) Three civilian escorts are required:
  - 1) For all moves that exceed 16 feet in width;
  - 2) For all moves that exceed 145 feet in length;
  - 3) For all towed special haul rigs more than 150 feet in length.
  
- d) Illinois State Police Escorts
  - 1) Illinois State Police escorts are required:

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- A) For moves greater than 18 feet wide;
  - B) For moves of greater than ~~200~~175 feet in length;
  - C) For moves over 18 feet high;
  - D) For overweight moves where bridge restrictions require that all traffic be kept off of a structure while the permitted vehicle crosses;
  - E) For overweight moves of 230,000 pounds or more; or
  - F) For any move of an unusual nature where additional traffic control is necessary to alert the motoring public to the permit movement.
- 2) Moves requiring Illinois State Police escorts will normally be made partially or entirely outside a municipality. The permittee must make all arrangements with the designated State Police Headquarters at least 24 hours prior to the move. The Permit Office may determine a State Police escort is not necessary in some instances including but not limited to the following:
- A) on moves made within a municipality if local police are utilized as specified in Section 554.407(d);
  - B) on movements where the object will only cross a State highway and minimal disruption of traffic is anticipated; or
  - C) on moves over 18 feet high if a field investigation reveals there are not any overhead obstructions.
- e) Local police escorts may be required in lieu of State Police escorts when the move is made entirely within the limits of a city or county. It is the responsibility of the permittee to make all arrangements with the local police when the permit specifies such an escort as a condition of the permit.

(Source: Amended at 32 Ill. Reg. 18030, effective November 7, 2008)

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## SUBPART E: OVERSIZE VEHICLES AND LOADS

**Section 554.501 Scope**

- a) Permits may be issued for overdimension objects and vehicles if they have been reasonably disassembled. Objects must be loaded within legal dimensions, if at all possible. Multiple objects, loaded side-by-side, end-to-end, or on top of each other, may not cause the overdimension. However, more than one overdimension object may be transported if it does not result in another dimension that exceeds legal limits.
- b) Permits to move empty overdimension vehicles may be obtained, but these vehicles may not normally be used to transport legal size loads. Consideration will be given to the movement of a legal size object requiring a special carriage that results in an oversize vehicle. An overdimension vehicle may be used to transport an overdimension object.
- c) Permits will not be issued for empty or loaded double-bottom units that exceed legal maximum size or weights.
- d) Nondivisible load or vehicles~~loads~~.
  - 1) Permit loads are deemed to be reasonably dismantled (nondivisible) if when separated into smaller loads or vehicles, ~~when~~ further dismantling would:
    - A) Compromise the intended use of the load or vehicle; that is, make it unable to perform the function for which it was intended;
    - B) Destroy the value of the load or vehicle; that is, make it unusable for its intended purpose; or
    - C) Require more than 8 work hours to dismantle using appropriate equipment. The applicant for a nondivisible load has the burden of proof as to the number of workhours required to dismantle the load.
  - 2) The Department may treat emergency response vehicles, ~~and~~ casks designed and used for the transport of spent nuclear materials, and military

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[vehicles transporting marked military equipment or material](#) as nondivisible vehicles or loads (see 23 CFR 658.5, [April 1, 2006](#)).

(Source: Amended at 32 Ill. Reg. 18030, effective November 7, 2008)

## SUBPART F: OVERWEIGHT VEHICLES AND LOADS

**Section 554.604 Practical Maximum Weights**

All requests for overweight moves are considered. However, due to the physical capacity of the highways and bridges, practical maximum weights have been established. Although many bridges will not carry these weights, routes are generally available to most destinations. These weights are:

- a) 6-axle tractor semitrailer combination 120,000 pounds gross; 48,000 pounds on drive tandem; 60,000 pounds on semitrailer 3-axle tandem.
- b) 5-axle tractor semitrailer combination 100,000 pounds gross; maximum of 48,000 pounds on either tandem.
- c) 4-or-more-axle vehicle (axle spacing 23 feet or more): [up to and including](#) 76,000 pounds gross; maximum of 34,000 pounds on one tandem and 44,000 pounds on the other.
- d) 3-or-more-axle vehicle (axle spacing 18 feet or more): maximum 68,000 pounds gross; 20,000 pounds on one axle and 48,000 pounds on the tandem.
- e) 2-axle vehicle: maximum 48,000 pounds, neither axle exceeds 25,000 pounds.

(Source: Amended at 32 Ill. Reg. 18030, effective November 7, 2008)

**Section 554.605 [Superload](#) Moves ~~in Excess of Practical Maximums~~**

~~Superload~~[Overweight](#) moves ~~in excess of the practical maximums~~ or [moves](#) on nonstandard vehicles or with nonstandard axle configurations may be authorized if allowable pavement and bridge stresses are not exceeded. These moves normally require additional time for analyses.

(Source: Amended at 32 Ill. Reg. 18030, effective November 7, 2008)

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**Section 554.607 Movement to a Designated Scale**

Sections 15-301(b) and (f) of the Illinois Size and Weight Law allow the permittee to travel to a certified scale to verify the axle and gross weights of an overweight load when the permittee is uncertain of the correct weights. The following conditions apply:

- a) The permittee must, on his original application, request that he be routed to a certified scale, the location of which he has designated on the application.
- b) For ~~superloads~~~~loads that exceed practical maximums~~, the scale must be the nearest scale to the permittee's origin that has been certified by the Illinois Department of Agriculture (State weigh stations included). "Nearest scale" for ~~routine~~ permit loads ~~with weights not exceeding practical maximums~~ is defined as a scale within 25 miles of the permitted load's origin. The scale must be certified by the Illinois Department of Agriculture (State weigh stations included). However, if size and/or weight limits preclude the use of the requested scale, the permittee shall be routed to the first scale located within the route assigned by the Permit Office provided such scale is located within 25 miles of the permittee's origin or no more than  $\frac{1}{3}$  of the total distance of the permitted route, whichever distance is less.
- c) The permittee must indicate the requested routing.
- d) If any routes under the jurisdiction of local agencies are included in the routing, the permittee must provide evidence that he has secured approval from the local authority having jurisdiction.
- e) Due to the volume of permits handled, the Permit Office cannot assist the permittee in determining the closest certified scale. By approving the routing to the scale as requested by the applicant and indicating the weight of the load is to be checked at a designated scale, the Permit Office in no way implies that it is the closest certified scale to the permittee's origin. If a police officer finds there is a closer certified scale, he may require the driver to travel to that scale; however, it is that officer's responsibility to verify the routes can accommodate the load.

(Source: Amended at 32 Ill. Reg. 18030, effective November 7, 2008)

SUBPART G: SPECIFIC POLICIES INDUSTRIAL HIGHWAY CROSSING

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**Section 554.705 Disabled Vehicles**

A combination of vehicles, including a tow truck and a disabled vehicle or disabled combination of vehicles, which exceeds the legal length and/or weight limits may be operated on a highway under the following conditions. (See Sections 15-107 and 15-111 of the Illinois Size and Weight Law):

- a) Prior to towing, neither the disabled vehicle, disabled combination of vehicles, nor the tow truck shall individually exceed the legal length or weight limits. ~~1)When overlength, the towing shall not exceed a distance of 50 miles from the initial point of wreck or disablement. 2)When overweight, the towing shall not exceed a distance of 20 miles from the initial point of wreck or disablement~~ provided neither the tow truck nor the vehicle being towed shall exceed the following axle weight limits:

Single rear axle – 24,000 pounds

Tandem rear axle – 44,000 pounds.

- b) Any additional movement of the disabled vehicles shall be under normal permit procedures (Section 554.306). Requests for the emergency movement of equipment when the Permit Office is closed will be considered under the provisions of Section 554.801.

(Source: Amended at 32 Ill. Reg. 18030, effective November 7, 2008)

## SUBPART H: EMERGENCIES AND HAZARDOUS MATERIALS

**Section 554.804 Radioactive Materials**

Permits may be issued for the movement of an overweight ~~and/or overwidth~~ legal size container, empty or loaded, designed for transporting radioactive materials. The moves must conform to all applicable safety regulations. These moves are made under the same conditions and provisions as other overweight moves, except it is recommended they not be made in congested areas over critical highway facilities or during rush hour periods. Federal regulations may require routing around certain urban areas.

(Source: Amended at 32 Ill. Reg. 18030, effective November 7, 2008)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART I: FEES

**Section 554.907 Supplemental Permit Fees**

The Permit Office shall collect a fee of \$5 for each supplemental permit (revisions or extensions). In addition, if the supplemental permit provides for an increase in size, weight, or mileage, those additional fees will be charged. However, no credit can be given for fees paid if dimensions, weights, or mileages are reduced. A handling fee of \$50 is added for supplements [to superload permits](#)~~outside of practical maximums~~.

(Source: Amended at 32 Ill. Reg. 18030, effective November 7, 2008)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Number: 112.10                      Peremptory Action: Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking: These changes are being made to conform with P.L. 110-161, as amended by P.L. 110-181
- 5) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13]
- 6) Effective Date: November 15, 2008
- 7) A Complete Description of the Subjects and Issues involved: Effective December 26, 2007, under P.L. 110-161, and as amended by P. L. 110-181, certain Afghani and Iraqi aliens may be granted special immigrant status under Section 101(a)(27) of the Immigration and Nationality Act (INA). Adults and family members are entitled to the same benefits as are refugees admitted under Section 207 of the INA, except that Afghani special immigrants are limited to six months of benefits and Iraqi special immigrants are limited to eight months of benefits. As a result of this peremptory rule, Afghani and Iraqi aliens granted special immigrant status under Section 101(a)(27) of the INA will be eligible to qualify for cash and food stamps without living in the U. S. for five years.  
  
There are companion amendments to 89 Ill. Adm. Code 113; 89 Ill. Adm. Code 114; 89 Ill. Adm. Code 115; and 89 Ill. Adm. Code 121.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed with the Index Department: November 10, 2008
- 10) A copy of the peremptory rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 11) This rulemaking is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

- 12) Are there any proposed amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
112.252	Amendment	32 Ill. Reg. 9762; July 11, 2008
112.253	Amendment	32 Ill. Reg. 9762; July 11, 2008
112.254	Amendment	32 Ill. Reg. 9762; July 11, 2008

- 13) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

- 14) Information and questions regarding this peremptory amendment shall be directed to:

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

217/785-9772

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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 112  
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

## SUBPART A: GENERAL PROVISIONS

## Section

- 112.1 Description of the Assistance Program and Time Limit
- 112.2 Time Limit on Receipt of Benefits for Clients Enrolled in Post-Secondary Education
- 112.3 Receipt of Cash Benefits Beyond the 60 Month Lifetime Limit
- 112.5 Incorporation by Reference
- 112.6 The Family Violence Option

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

## Section

- 112.8 Caretaker Relative
- 112.9 Client Cooperation
- 112.10 Citizenship
- 112.20 Residence
- 112.30 Age
- 112.40 Relationship
- 112.50 Living Arrangement
- 112.52 Social Security Numbers
- 112.54 Assignment of Medical Support Rights
- 112.60 Basis of Eligibility
- 112.61 Death of a Parent (Repealed)
- 112.62 Incapacity of a Parent (Repealed)
- 112.63 Continued Absence of a Parent (Repealed)
- 112.64 Unemployment of the Parent (Repealed)
- 112.65 Responsibility and Services Plan
- 112.66 Alcohol and Substance Abuse Treatment
- 112.67 Restriction in Payment to Households Headed by a Minor Parent
- 112.68 School Attendance Initiative
- 112.69 Felons and Violators of Parole or Probation

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

## SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section	
112.70	Employment and Work Activity Requirements
112.71	Individuals Exempt from TANF Employment and Work Activity Requirements
112.72	Participation/Cooperation Requirements
112.73	Adolescent Parent Program (Repealed)
112.74	Responsibility and Services Plan
112.75	Teen Parent Personal Responsibility Plan (Repealed)
112.76	TANF Orientation
112.77	Reconciliation and Fair Hearings
112.78	TANF Employment and Work Activities
112.79	Sanctions
112.80	Good Cause for Failure to Comply with TANF Participation Requirements
112.81	Responsible Relative Eligibility for JOBS (Repealed)
112.82	Supportive Services
112.83	Teen Parent Services
112.84	Employment Retention and Advancement Project
112.85	Four Year College/Vocational Training Demonstration Project (Repealed)

## SUBPART E: PROJECT ADVANCE

Section	
112.86	Project Advance (Repealed)
112.87	Project Advance Experimental and Control Groups (Repealed)
112.88	Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.89	Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.90	Project Advance Sanctions (Repealed)
112.91	Good Cause for Failure to Comply with Project Advance (Repealed)
112.93	Individuals Exempt From Project Advance (Repealed)
112.95	Project Advance Supportive Services (Repealed)

## SUBPART F: EXCHANGE PROGRAM

Section	
112.98	Exchange Program (Repealed)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

## SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section	
112.100	Unearned Income
112.101	Unearned Income of Parent
112.105	Budgeting Unearned Income
112.106	Budgeting Unearned Income of Applicants
112.107	Initial Receipt of Unearned Income
112.108	Termination of Unearned Income
112.110	Exempt Unearned Income
112.115	Education Benefits
112.120	Incentive Allowances
112.125	Unearned Income In-Kind
112.126	Earmarked Income
112.127	Lump-Sum Payments
112.128	Protected Income (Repealed)
112.130	Earned Income
112.131	Earned Income Tax Credit
112.132	Budgeting Earned Income
112.133	Budgeting Earned Income of Employed Applicants
112.134	Initial Employment
112.135	Budgeting Earned Income For Contractual Employees
112.136	Budgeting Earned Income For Non-contractual School Employees
112.137	Termination of Employment
112.138	Transitional Payments (Repealed)
112.140	Exempt Earned Income
112.141	Earned Income Exemption
112.142	Exclusion from Earned Income Exemption
112.143	Recognized Employment Expenses
112.144	Income from Work-Study and Training Programs
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets
112.152	Asset Disregards

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

- 112.153 Deferral of Consideration of Assets
- 112.154 Property Transfers (Repealed)
- 112.155 Income Limit
- 112.156 Assets for Independence Program

## SUBPART H: PAYMENT AMOUNTS

## Section

- 112.250 Grant Levels
- 112.251 Payment Levels
- 112.252 Payment Levels in Group I Counties
- 112.253 Payment Levels in Group II Counties
- 112.254 Payment Levels in Group III Counties
- 112.255 Limitation on Amount of TANF Assistance to Recipients from Other States (Repealed)

## SUBPART I: OTHER PROVISIONS

## Section

- 112.300 Persons Who May Be Included in the Assistance Unit
- 112.301 Presumptive Eligibility
- 112.302 Reporting Requirements for Clients with Earnings
- 112.303 Budgeting
- 112.304 Budgeting Schedule
- 112.305 Strikers
- 112.306 Foster Care Program
- 112.307 Responsibility of Sponsors of Non-Citizens Entering the Country Prior to 8/22/96
- 112.308 Responsibility of Sponsors of Non-Citizens Entering the Country On or After 8/22/96
- 112.309 Institutional Status
- 112.310 Child Care for Representative Payees
- 112.315 Young Parents Program (Renumbered)
- 112.320 Redetermination of Eligibility
- 112.330 Extension of Medical Assistance Due to Increased Income from Employment
- 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
- 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
- 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

## SUBPART J: CHILD CARE

## Section

112.350	Child Care (Repealed)
112.352	Child Care Eligibility (Repealed)
112.354	Qualified Provider (Repealed)
112.356	Notification of Available Services (Repealed)
112.358	Participant Rights and Responsibilities (Repealed)
112.362	Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
112.364	Rates of Payment for Child Care (Repealed)
112.366	Method of Providing Child Care (Repealed)
112.370	Non-JOBS Education and Training Program (Repealed)

## SUBPART K: TRANSITIONAL CHILD CARE

## Section

112.400	Transitional Child Care Eligibility (Repealed)
112.404	Duration of Eligibility for Transitional Child Care (Repealed)
112.406	Loss of Eligibility for Transitional Child Care (Repealed)
112.408	Qualified Child Care Providers (Repealed)
112.410	Notification of Available Services (Repealed)
112.412	Participant Rights and Responsibilities (Repealed)
112.414	Child Care Overpayments and Recoveries (Repealed)
112.416	Fees for Service for Transitional Child Care (Repealed)
112.418	Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency

## DEPARTMENT OF HUMAN SERVICES

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amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended

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at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency

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amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 7896, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12648, effective September 27, 1999; amended at 23 Ill. Reg. 13898, effective November 19, 1999; amended at 24 Ill. Reg. 289, effective December 28, 1999; amended at 24 Ill. Reg. 2348, effective February 1, 2000; amended at 25 Ill. Reg. 10336, effective August 3, 2001; emergency amendment at 25 Ill. Reg. 11584, effective September 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14865, effective November 1, 2001; amended at 26 Ill. Reg. 138,

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

effective January 1, 2002; amended at 26 Ill. Reg. 924, effective January 15, 2002; emergency amendment at 26 Ill. Reg. 3329, effective February 19, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9803, effective June 24, 2002; amended at 26 Ill. Reg. 10492, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10994, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17182, effective November 15, 2002; amended at 27 Ill. Reg. 4545, effective February 28, 2003; amended at 27 Ill. Reg. 7240, effective April 7, 2003; amended at 27 Ill. Reg. 18417, effective November 20, 2003; amended at 28 Ill. Reg. 1090, effective December 31, 2003; amended at 28 Ill. Reg. 5655, effective March 22, 2004; amended at 29 Ill. Reg. 5473, effective April 1, 2005; amended at 29 Ill. Reg. 8161, effective May 18, 2005; emergency amendment at 29 Ill. Reg. 16008, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; amended at 30 Ill. Reg. 9331, effective May 8, 2006; amended at 30 Ill. Reg. 11202, effective June 12, 2006; amended at 31 Ill. Reg. 6968, effective April 30, 2007; amended at 31 Ill. Reg. 10462, effective July 6, 2007; amended at 31 Ill. Reg. 15080, effective October 24, 2007; amended at 32 Ill. Reg. 2767, effective February 7, 2008; emergency amendment at 32 Ill. Reg. 10607, effective July 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 17167, effective October 20, 2008; peremptory amendment at 32 Ill. Reg. 18051, effective November 15, 2008.

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

**Section 112.10 Citizenship**

To be eligible for assistance, an individual shall be either a U.S. citizen or a non-citizen within specific categories and subject to specific restrictions as set forth below:

- a) Citizenship status – Persons born in the U.S., or in its possessions, are U.S. citizens. Citizenship can also be acquired by naturalization through court proceedings, or by certain persons born in a foreign country of U.S. citizen parent(s).
- b) Non-citizens
  - 1) The following categories of non-citizens may receive assistance, if otherwise eligible:
    - A) A United States veteran honorably discharged and a person on active military duty, and the spouse and unmarried dependent children of such a person;

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- B) Refugees under Section 207 of the Immigration and Nationality Act (INA);
  - C) Asylees under Section 208 of the INA;
  - D) Persons for whom deportation has been withheld under Section 243(h) of the INA;
  - E) Persons granted conditional entry under Section 203(a)(7) of the INA as in effect prior to April 1, 1980;
  - F) Persons lawfully admitted for permanent residence under the INA including:
    - i) Afghani immigrants with special immigrant status under Section 101(a)(27) of the INA – eligibility limited to six months from the date the special status is granted. The five-year residency requirement set forth in (b)(2) of this Section does not apply to this sub-group.
    - ii) Iraqi immigrants with special immigrant status under Section 101(a)(27) of the INA – eligibility limited to eight months from the date the special status is granted. The five-year residency requirement set forth in (b)(2) of this Section does not apply to this sub-group.
  - G) Parolees, for at least one year, under Section 212(d)(5) of the INA; and
  - H) Persons who are a spouse, widow or child of a U.S. citizen or a spouse or child of a legal permanent resident (LPR) who have been battered or subjected to extreme cruelty by the U.S. citizen or LPR or a member of that relative's family who lived with them, who no longer live with the abuser or plans to live separately within one month after receipt of assistance and whose need for assistance is due, at least in part, to the abuse.
- 2) Those persons who are in the categories set forth in (b)(1)(F) and (b)(1)(G) of this Section, who enter the United States on or after August

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22, 1996, shall not be eligible for five years beginning on the date the person entered the United States.

(Source: Amended by peremptory rulemaking at 32 Ill. Reg. 18051, effective November 15, 2008)

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- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Number: 113.10                      Peremptory Action:  
Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking: These changes are being made to conform with P.L. 110-161, as amended by P.L. 110-181.
- 5) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13]
- 6) Effective Date: November 15, 2008
- 7) A Complete Description of the Subjects and Issues involved: Effective December 26, 2007, under P.L. 110-161, and as amended by P. L. 110-181, certain Afghani and Iraqi aliens may be granted special immigrant status under Section 101(a)(27) of the Immigration and Nationality Act (INA). Adults and family members are entitled to the same benefits as are refugees admitted under Section 207 of the INA, except that Afghani special immigrants are limited to six months of benefits and Iraqi special immigrants are limited to eight months of benefits. As a result of this peremptory rule, Afghani and Iraqi aliens granted special immigrant status under Section 101(a)(27) of the INA will be eligible to qualify for cash and food stamps without living in the U. S. for five years.  
  
There are companion amendments to 89 Ill. Adm. Code 112; 89 Ill. Adm. Code 114; 89 Ill. Adm. Code 115; and 89 Ill. Adm. Code 121.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed with the Index Department: November 10, 2008
- 10) A copy of the peremptory amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 11) This rulemaking is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.

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- 12) Are there any proposed amendments pending on this Part? No
- 13) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 14) Information and questions regarding this peremptory amendment shall be directed to:

Tracie Drew, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
Harris Bldg., 3rd Floor  
Springfield, IL 62762

217/785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113  
AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section

- 113.1 Description of the Assistance Program
- 113.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 113.9 Client Cooperation
- 113.10 Citizenship
- 113.20 Residence
- 113.30 Age
- 113.40 Blind
- 113.50 Disabled
- 113.60 Living Arrangement
- 113.70 Institutional Status
- 113.80 Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 113.100 Unearned Income
- 113.101 Budgeting Unearned Income
- 113.102 Budgeting Unearned Income of Applicants Receiving Income on Date of Application And/Or Date of Decision
- 113.103 Initial Receipt of Unearned Income
- 113.104 Termination of Unearned Income
- 113.105 Unearned Income In-Kind
- 113.106 Earmarked Income
- 113.107 Lump Sum Payments and Income Tax Refunds
- 113.108 Protected Income (Repealed)

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## NOTICE OF PEREMPTORY AMENDMENT

- 113.109 Earned Income (Repealed)
- 113.110 Budgeting Earned Income (Repealed)
- 113.111 Protected Income
- 113.112 Earned Income
- 113.113 Exempt Unearned Income
- 113.114 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
- 113.115 Initial Employment
- 113.116 Budgeting Earned Income For Contractual Employees
- 113.117 Budgeting Earned Income For Non-contractual School Employees
- 113.118 Termination of Employment
- 113.120 Exempt Earned Income
- 113.125 Recognized Employment Expenses
- 113.130 Income From Work/Study/Training Programs
- 113.131 Earned Income From Self-Employment
- 113.132 Earned Income From Roomer and Boarder
- 113.133 Earned Income From Rental Property
- 113.134 Earned Income In-Kind
- 113.139 Payments from the Illinois Department of Children and Family Services
- 113.140 Assets
- 113.141 Exempt Assets
- 113.142 Asset Disregard
- 113.143 Deferral of Consideration of Assets
- 113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Repealed)
- 113.155 Property Transfers For Applications Filed On Or After October 1, 1989 (Repealed)
- 113.156 Court Ordered Child Support Payments of Parent/Step-Parent
- 113.157 Responsibility of Sponsors of Non-citizens Entering the Country Prior to 8/22/96
- 113.158 Responsibility of Sponsors of Non-citizens Entering the Country On or After 08/22/96
- 113.160 Assignment of Medical Support Rights

## SUBPART D: PAYMENT AMOUNTS

- Section
- 113.245 Payment Levels for AABD
- 113.246 Personal Allowance
- 113.247 Personal Allowance Amounts
- 113.248 Shelter

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113.249	Utilities and Heating Fuel
113.250	Laundry
113.251	Telephone
113.252	Transportation, Lunches, Special Fees
113.253	Allowances for Increase in SSI Benefits
113.254	Nursing Care or Personal Care in Home Not Subject to Licensing
113.255	Sheltered Care/Personal or Nursing Care in a Licensed Group Care Facility
113.256	Shopping Allowance
113.257	Special Allowances for Blind and Partially Sighted (Blind Only)
113.258	Home Delivered Meals
113.259	AABD Fuel and Utility Allowances By Area
113.260	Sheltered Care, Personal Care or Nursing Care Rates
113.261	Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities
113.262	Meeting the Needs of an Ineligible Dependent with Client's Income
113.263	Service Animals
113.264	Refugees Ineligible for SSI

## SUBPART E: OTHER PROVISIONS

Section	
113.300	Persons Who May Be Included In the Assistance Unit
113.301	Grandfathered Cases
113.302	Interim Assistance (Repealed)
113.303	Special Needs Authorizations
113.304	Retrospective Budgeting
113.305	Budgeting Schedule
113.306	Purchase and Repair of Household Furniture (Repealed)
113.307	Property Repairs and Maintenance
113.308	Excess Shelter Allowance
113.309	Limitation on Amount of AABD Assistance to Recipients from Other States (Repealed)
113.320	Redetermination of Eligibility
113.330	Attorney's Fees for VA Appellants (Repealed)

## SUBPART F: INTERIM ASSISTANCE

Section	
113.400	Description of the Interim Assistance Program

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- 113.405 Pending SSI Application (Repealed)
- 113.410 More Likely Than Not Eligible for SSI (Repealed)
- 113.415 Non-Financial Factors of Eligibility (Repealed)
- 113.420 Financial Factors of Eligibility (Repealed)
- 113.425 Payment Levels for Chicago Interim Assistance Cases (Repealed)
- 113.430 Payment Levels for all Interim Assistance Cases Outside Chicago (Repealed)
- 113.435 Medical Eligibility (Repealed)
- 113.440 Attorney's Fees for SSI Applicants (Repealed)
- 113.445 Advocacy Program for Persons Receiving Interim Assistance (Repealed)
- 113.450 Limitation on Amount of Interim Assistance to Recipients from Other States (Repealed)
- 113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].

SOURCE: Filed effective December 30, 1977; preemptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; emergency expired January 28, 1979; preemptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; preemptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective

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October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867,

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effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6639, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 858, effective December 29, 1995;

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emergency amendment at 21 Ill. Reg. 673, effective January 1, 1997, for a maximum of a 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 13642, effective July 15, 1998; emergency amendment at 22 Ill. Reg. 16348, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 18931, effective October 1, 1998; emergency amendment at 22 Ill. Reg. 21750, effective November 24, 1998, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 579, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1607, effective January 20, 1999; amended at 23 Ill. Reg. 5548, effective April 23, 1999; amended at 23 Ill. Reg. 6052, effective May 4, 1999; amended at 23 Ill. Reg. 6425, effective May 15, 1999; amended at 23 Ill. Reg. 6935, effective May 30, 1999; amended at 23 Ill. Reg. 7887, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8650, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10161, effective August 3, 1999; amended at 23 Ill. Reg. 13852, effective November 19, 1999; amended at 24 Ill. Reg. 2328, effective February 1, 2000; amended at 24 Ill. Reg. 11622, effective July 18, 2000; amended at 24 Ill. Reg. 13394, effective August 18, 2000; amended at 25 Ill. Reg. 5326, effective March 30, 2001; amended at 26 Ill. Reg. 179, effective January 1, 2002; amended at 26 Ill. Reg. 8532, effective May 31, 2002; amended at 26 Ill. Reg. 13521, effective September 3, 2002; amended at 27 Ill. Reg. 7252, effective April 7, 2003; amended at 28 Ill. Reg. 11139, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 11366, effective July 21, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12469, effective August 20, 2004, for a maximum of 150 days; emergency expired January 16, 2005; amended at 29 Ill. Reg. 648, effective December 16, 2004; amended at 29 Ill. Reg. 5703, effective April 11, 2005; amended at 29 Ill. Reg. 10176, effective July 5, 2005; amended at 30 Ill. Reg. 16065, effective September 21, 2006; amended at 31 Ill. Reg. 6981, effective April 30, 2007; amended at 31 Ill. Reg. 11306, effective July 19, 2007; amended at 32 Ill. Reg. 17187, effective October 16, 2008; peremptory amendment at 32 Ill. Reg. 18065, effective November 15, 2008.

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

**Section 113.10 Citizenship**

To be eligible for assistance, an individual shall be either a U.S. citizen or a non-citizen within specific categories and subject to specific restrictions as set forth below:

- a) Citizenship status – Persons born in the U.S., or in its possessions, are U.S. citizens. Citizenship can also be acquired by naturalization through court proceedings, or by certain persons born in a foreign country of U.S. citizen parent(s).

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- b) Non-citizens
- 1) The following categories of non-citizens may receive assistance, if otherwise eligible:
- A) A United States veteran honorably discharged and a person on active military duty, and the spouse and unmarried dependent children of such a person;
  - B) Refugees under Section 207 of the Immigration and Nationality Act (INA);
  - C) Asylees under Section 208 of the INA;
  - D) Persons for whom deportation has been withheld under Section 243(h) of the INA;
  - E) Persons granted conditional entry under Section 203(a)(7) of the INA as in effect prior to April 1, 1980;
  - F) Persons lawfully admitted for permanent residence under the INA including:
    - i) Afghani immigrants with special immigrant status under Section 101(a)(27) of the INA – eligibility limited to six months from the date the special status is granted. The five-year residency requirement set forth in (b)(2) of this Section does not apply to this sub-group.
    - ii) Iraqi immigrants with special immigrant status under Section 101(a)(27) of the INA – eligibility limited to eight months from the date the special status is granted. The five-year residency requirement set forth in (b)(2) of this Section does not apply to this sub-group.
  - G) Parolees, for at least one year, under Section 212(d)(5) of the INA and;
  - H) Persons who are a spouse, widow or child of a U.S. citizen or a

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spouse or child of a legal permanent resident (LPR) who have been battered or subjected to extreme cruelty by the U.S. citizen or LPR or a member of that relative's family who lived with them, who no longer live with the abuser or plans to live separately within one month after receipt of assistance and whose need for assistance is due, at least in part, to the abuse.

- 2) Those persons who are in the categories set forth in (b)(1)(F) and (b)(1)(G) of this Section, who enter the United States on or after August 22, 1996, shall not be eligible for five years beginning on the date the person entered the United States.

(Source: Amended by preemptory rulemaking at 32 Ill. Reg. 18065, effective November 15, 2008)

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- 1) Heading of the Part: General Assistance
- 2) Code Citation: 89 Ill. Adm. Code 114
- 3) Section Number: 114.10                      Peremptory Action: Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking: These changes are being made to conform with P.L. 110-161, as amended by P.L. 110-181.
- 5) Statutory Authority: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. VI and 12-13]
- 6) Effective Date: November 15, 2008
- 7) A Complete Description of the Subjects and Issues involved: Effective December 26, 2007, under P.L. 110-161, and as amended by P. L. 110-181, certain Afghani and Iraqi aliens may be granted special immigrant status under Section 101(a)(27) of the Immigration and Nationality Act (INA). Adults and family members are entitled to the same benefits as are refugees admitted under Section 207 of the INA, except that Afghani special immigrants are limited to six months of benefits and Iraqi special immigrants are limited to eight months of benefits. As a result of this peremptory rule, Afghani and Iraqi aliens granted special immigrant status under Section 101(a)(27) of the INA will be eligible to qualify for cash and food stamps without living in the U. S. for five years.  
  
There are companion amendments to 89 Ill. Adm. Code 112; 89 Ill. Adm. Code 113; 89 Ill. Adm. Code 115; and 89 Ill. Adm. Code 121.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed with the Index Department: November 10, 2008
- 10) A copy of the peremptory rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 11) This rulemaking is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.

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- 12) Are there any proposed amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
114.351	Amendment	32 Ill. Reg. 9794; July 11, 2008
114.352	Amendment	32 Ill. Reg. 9794; July 11, 2008
114.353	Amendment	32 Ill. Reg. 9794; July 11, 2008

- 13) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

- 14) Information and questions regarding this preemptory amendment shall be directed to:

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

217/785-9772

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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 114  
GENERAL ASSISTANCE

## SUBPART A: GENERAL PROVISIONS

## Section

- 114.1 Description of the Assistance Program
- 114.2 Determination of Not Employable
- 114.3 Advocacy Program for Persons Receiving State Transitional Assistance
- 114.5 Incorporation By Reference

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

## Section

- 114.9 Client Cooperation
- 114.10 Citizenship
- 114.20 Residence
- 114.30 Age
- 114.40 Relationship
- 114.50 Living Arrangement
- 114.52 Social Security Numbers
- 114.60 Work Registration Requirements (Outside City of Chicago only)
- 114.61 Individuals Exempt From Work Registration Requirements (Outside City of Chicago only)
- 114.62 Job Service Registration (Outside City of Chicago only)
- 114.63 Failure to Maintain Current Job Service Registration (Outside City of Chicago only)
- 114.64 Responsibility to Seek Employment (Outside City of Chicago only)
- 114.70 Initial Employment Expenses (Outside City of Chicago only)
- 114.80 Downstate General Assistance Work and Training Programs
- 114.85 Downstate General Assistance – Food Stamps Employment and Training Pilot Project
- 114.90 Work and Training Programs
- 114.100 General Assistance Jobs Program (Repealed)
- 114.101 Persons Ineligible for TANF Due to Time Limits

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## SUBPART C: PROJECT ADVANCE

## Section

- 114.108 Project Advance (Repealed)
- 114.109 Project Advance Participation Requirements of Adjudicated Fathers (Repealed)
- 114.110 Project Advance Cooperation Requirements of Adjudicated Fathers (Repealed)
- 114.111 Project Advance Sanctions (Repealed)
- 114.113 Project Advance Good Cause for Failure to Comply (Repealed)
- 114.115 Individuals Exempt From Project Advance (Repealed)
- 114.117 Project Advance Supportive Services (Repealed)

## SUBPART D: EMPLOYMENT AND TRAINING REQUIREMENTS

## Section

- 114.120 Employment and Training Requirements
- 114.121 Persons Required to Participate in Project Chance (Repealed)
- 114.122 Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act (Repealed)
- 114.123 Persons in Need of Work Rehabilitative Services (WRS) to Become Employable (Repealed)
- 114.124 Employment and Training Participation/Cooperation Requirements (Repealed)
- 114.125 Employment and Training Program Orientation (Repealed)
- 114.126 Employment and Training Program Full Assessment Process/Development of an Employment Plan (Repealed)
- 114.127 Employment and Training Program Components (Repealed)
- 114.128 Employment and Training Sanctions (Repealed)
- 114.129 Good Cause For Failure to Cooperate With Work and Training Participation Requirements (Repealed)
- 114.130 Employment and Training Supportive Services (Repealed)
- 114.135 Conciliation and Fair Hearings (Repealed)
- 114.140 Employment Child Care (Repealed)

## SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

## Section

- 114.200 Unearned Income
- 114.201 Budgeting Unearned Income
- 114.202 Budgeting Unearned Income of Applicants

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114.203	Initial Receipt of Unearned Income
114.204	Termination of Unearned Income
114.210	Exempt Unearned Income
114.220	Education Benefits (Repealed)
114.221	Unearned Income In-Kind
114.222	Earmarked Income
114.223	Lump-Sum Payments
114.224	Protected Income
114.225	Earned Income
114.226	Budgeting Earned Income
114.227	Budgeting Earned Income of Applicants
114.228	Initial Employment
114.229	Termination of Employment
114.230	Exempt Earned Income
114.235	Recognized Employment Expenses
114.240	Income From Work/Study/Training Program (Repealed)
114.241	Earned Income From Self-Employment
114.242	Earned Income From Roomer and Boarder
114.243	Earned Income From Rental Property
114.244	Earned Income In-Kind
114.245	Payments from the Illinois Department of Children and Family Services
114.246	Budgeting Earned Income for Contractual Employees
114.247	Budgeting Earned Income for Non-contractual School Employees
114.250	Assets
114.251	Exempt Assets
114.252	Asset Disregards
114.260	Deferral of Consideration of Assets (Repealed)
114.270	Property Transfers (Repealed)
114.280	Supplemental Payments

## SUBPART F: PAYMENT AMOUNTS

Section	
114.350	Payment Levels
114.351	Payment Levels in Group I Counties
114.352	Payment Levels in Group II Counties
114.353	Payment Levels in Group III Counties

## SUBPART G: OTHER PROVISIONS

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## Section

- 114.400 Persons Who May Be Included In the Assistance Unit
- 114.401 Eligibility of Strikers
- 114.402 Special Needs Authorizations (Repealed)
- 114.403 Institutional Status
- 114.404 Budgeting
- 114.405 Budgeting Schedule
- 114.406 Limitation on Amount of General Assistance to Recipients from Other States (Repealed)
- 114.408 Responsibility of Sponsors of Non-citizens Entering the Country On or After 8/22/96
- 114.420 Redetermination of Eligibility
- 114.430 Extension of Medical Assistance Due to Increased Income from Employment
- 114.440 Attorney's Fees for VA Appellants
- 114.442 Attorney's Fees for SSI Applicants

## SUBPART H: CHILD CARE

## Section

- 114.450 Child Care (Repealed)
- 114.452 Child Care Eligibility (Repealed)
- 114.454 Qualified Provider (Repealed)
- 114.456 Notification of Available Services (Repealed)
- 114.458 Participant Rights and Responsibilities (Repealed)
- 114.462 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
- 114.464 Rates of Payment for Child Care (Repealed)
- 114.466 Method of Providing Child Care (Repealed)

## SUBPART I: TRANSITIONAL CHILD CARE

## Section

- 114.500 Transitional Child Care Eligibility (Repealed)
- 114.504 Duration of Eligibility for Transitional Child Care (Repealed)
- 114.506 Loss of Eligibility for Transitional Child Care (Repealed)
- 114.508 Qualified Provider (Repealed)
- 114.510 Notification of Available Services (Repealed)
- 114.512 Participant Rights and Responsibilities (Repealed)
- 114.514 Child Care Overpayments and Recoveries (Repealed)

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- 114.516 Fees for Service for Transitional Child Care (Repealed)  
114.518 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. VI and 12-13].

SOURCE: Filed effective December 30, 1977; preemptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; preemptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; preemptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; preemptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days;

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peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill.

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## NOTICE OF PEREMPTORY AMENDMENT

Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amendment at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. 6360, effective April 16, 1990; amended at 14 Ill. Reg. 10929, effective June 20, 1990; amended at 14 Ill. Reg. 13215, effective August 6, 1990; amended at 14 Ill. Reg. 13777, effective August 10, 1990; amended at 14 Ill. Reg. 14162, effective August 17, 1990; amended at 14 Ill. Reg. 17111, effective September 30, 1990; amended at 15 Ill. Reg. 288, effective January 1, 1991; amended at 15 Ill. Reg. 5710, effective April 10, 1991; amended at 15 Ill. Reg. 11164, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 15144, effective October 7, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3512, effective February 20, 1992; emergency amendment at 16 Ill. Reg. 4540, effective March 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 11662, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13297, effective August 15, 1992; emergency amendment at 16 Ill. Reg. 13651, effective September 1, 1992, for a maximum 150 days; emergency amendment at 16 Ill. Reg. 14769, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 16276, effective October 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17772, effective November 13, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 18815, effective November 24, 1992; amended at 17 Ill. Reg. 1091, effective January 15, 1993; amended at 17 Ill. Reg. 2277, effective February 15, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 3639, effective February 26, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 6814, effective April 21, 1993; emergency amendment at 17 Ill. Reg. 19728, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3436, effective February 28, 1994; amended at 18 Ill. Reg. 7390, effective April 29, 1994; amended at 18 Ill. Reg. 12839, effective August 5, 1994; emergency amendment at 19 Ill. Reg. 8434, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15058, effective October 17, 1995; emergency amendment at 20 Ill. Reg. 4445, effective February 28, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 9970, effective July 10, 1996; emergency amendment at 21 Ill. Reg. 682, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7413, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8652, effective July 1, 1997, for a

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maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15545, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 16356, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19820, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 588, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1619, effective January 20, 1999; amended at 23 Ill. Reg. 6067, effective May 4, 1999; amended at 23 Ill. Reg. 6434, effective May 15, 1999; amended at 23 Ill. Reg. 6948, effective May 30, 1999; emergency amendment at 23 Ill. Reg. 8661, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13863, effective November 19, 1999; amended at 24 Ill. Reg. 2338, effective February 1, 2000; amended at 24 Ill. Reg. 5688, effective March 20, 2000; amended at 25 Ill. Reg. 10325, effective August 3, 2001; amended at 26 Ill. Reg. 164, effective January 1, 2002; amended at 26 Ill. Reg. 9821, effective June 24, 2002; emergency amendment at 26 Ill. Reg. 11009, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17198, effective November 15, 2002; amended at 27 Ill. Reg. 7263, effective April 7, 2003; amended at 27 Ill. Reg. 18433, effective November 20, 2003; amended at 28 Ill. Reg. 5682, effective March 22, 2004; amended at 29 Ill. Reg. 5487, effective April 1, 2005; emergency amendment at 32 Ill. Reg. 10622, effective July 1, 2008, for a maximum of 150 days; preemptory amendment at 32 Ill. Reg. 18076, effective November 15, 2008.

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

**Section 114.10 Citizenship**

To be eligible for assistance, an individual shall be either a U.S. citizen or a non-citizen within specific categories and subject to specific restrictions as set forth below:

- a) Citizenship status – Persons born in the U.S., or in its possessions, are U.S. citizens. Citizenship can also be acquired by naturalization through court proceedings, or by certain persons born in a foreign country of U.S. citizen parent(s).
- b) Non-citizens
  - 1) The following categories of non-citizens may receive assistance, if otherwise eligible:
    - A) A United States veteran honorably discharged and a person on active military duty, and the spouse and unmarried dependent children of such a person;

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- B) Refugees under Section 207 of the Immigration and Nationality Act (INA);
  - C) Asylees under Section 208 of the INA;
  - D) Persons for whom deportation has been withheld under Section 243(h) of the INA;
  - E) Persons granted conditional entry under Section 203(a)(7) of the INA as in effect prior to April 1, 1980;
  - F) Persons lawfully admitted for permanent residence under the INA including:
    - i) Afghani immigrants with special immigrant status under Section 101(a)(27) of the INA – eligibility limited to six months from the date the special status is granted. The five-year residency requirement set forth in (b)(2) of this Section does not apply to this sub-group.
    - ii) Iraqi immigrants with special immigrant status under Section 101(a)(27) of the INA – eligibility limited to eight months from the date the special status is granted. The five-year residency requirement set forth in (b)(2) of this Section does not apply to this sub-group.
  - G) Parolees, for at least one year, under Section 212(d)(5) of the INA; and
  - H) Persons who are a spouse, widow or child of a U.S. citizen or a spouse or child of a legal permanent resident (LPR) who have been battered or subjected to extreme cruelty by the U.S. citizen or LPR or a member of that relative's family who lived with them, who no longer live with the abuser or plans to live separately within one month after receipt of assistance and whose need for assistance is due, at least in part, to the abuse.
- 2) Those persons who are in the categories set forth in (b)(1)(F) and

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(b)(1)(G) of this Section, who enter the United States on or after August 22, 1996, shall not be eligible for five years beginning on the date the person entered the United States.

(Source: Amended by peremptory rulemaking at 32 Ill. Reg. 18076, effective November 15, 2008)

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## NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Refugee/Repatriate Program
- 2) Code Citation: 89 Ill. Adm. Code 115
- 3) Section Number: 115.30                      Peremptory Action:  
Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking: These changes are being made to conform with P.L. 110-161, as amended by P.L. 110-181
- 5) Statutory Authority: Implementing and authorized by Sections 12-4.5, 12-4.6 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.5, 12-4.6 and 12-13]
- 6) Effective Date: November 15, 2008
- 7) A Complete Description of the Subjects and Issues involved: Effective December 26, 2007, under P.L. 110-161, and as amended by P. L. 110-181, certain Afghani and Iraqi aliens may be granted special immigrant status under Section 101(a)(27) of the Immigration and Nationality Act (INA). Adults and family members are entitled to the same benefits as are refugees admitted under Section 207 of the INA, except that Afghani special immigrants are limited to six months of benefits and Iraqi special immigrants are limited to eight months of benefits. As a result of this peremptory rule, Afghani and Iraqi aliens granted special immigrant status under Section 101(a)(27) of the INA will be eligible to qualify for cash and food stamps without living in the U. S. for five years.  
  
There are companion amendments to 89 Ill. Adm. Code 112; 89 Ill. Adm. Code 113; 89 Ill. Adm. Code 114; and 89 Ill. Adm. Code 121.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed with the Index Department: November 10, 2008
- 10) A copy of the peremptory rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 11) This rulemaking is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.

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- 12) Are there any proposed amendments pending on this Part? No
- 13) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 14) Information and questions regarding this peremptory amendment shall be directed to:

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

217/785-9772

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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 115  
REFUGEE/REPATRIATE PROGRAM

## Section

115.1	Incorporation By Reference
115.10	General Provisions
115.20	The Cuban Phasedown Program (Repealed)
115.30	The Refugee Resettlement Program
115.32	Refugee Resettlement Program: Application for <a href="#">AssistanceAssistant</a>
115.33	Refugee Resettlement Program: Furnishing of Social Security Numbers
115.34	Refugee Resettlement Program: Work Registration/Participation Requirements
115.36	Refugee Resettlement Program: Individuals Exempt From Mandatory Work Registration/Participation Requirements
115.37	Refugee Resettlement Program: Counseling (Repealed)
115.38	Refugee Resettlement Program: Sanctions For Failure to Cooperate With Work Requirements
115.39	Refugee Resettlement Program: Good Cause For Failure to Cooperate
115.40	The Cuban/Haitian/Entrant (Status Pending) Program
115.50	The Repatriate Program
115.60	Special Provisions Relating to Parolees

AUTHORITY: Implementing and authorized by Sections 12-4.5, 12-4.6 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.5, 12-4.6 and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency amendment at 2 Ill. Reg. 28, p. 2, effective June 1, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 48, p. 60, effective November 25, 1978; amended at 5 Ill. Reg. 2786, effective March 3, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 6 Ill. Reg. 11921, effective September 21, 1982; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16109, effective November 22, 1983; amended at 8 Ill. Reg. 6804, effective May 3, 1984; amended at 9 Ill. Reg. 2296, effective February 5, 1985; amended at 13 Ill. Reg. 3932, effective March 10, 1989; amended at 13 Ill. Reg. 13631, effective August 14, 1989; amended at 14 Ill. Reg. 773, effective January 1, 1990; amended at 14 Ill. Reg. 10438, effective June 20, 1990; amended at 16 Ill. Reg. 10291, effective June 19, 1992; amended at 18 Ill. Reg. 17671, effective November 30, 1994; amended at 20 Ill. Reg. 11484, effective August 9, 1996; recodified from the Department of Public Aid to the

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Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 25 Ill. Reg. 3046, effective February 8, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 8763, effective July 2, 2001; preemptory amendment at 32 Ill. Reg. 18088, effective November 15, 2008.

**Section 115.30 The Refugee Resettlement Program**

- a) The Refugee Resettlement Program (RRP) provides for the authorization of assistance (financial and medical or medical only) for eligible needy refugees and asylees from any nation, for Cuban/Haitian Entrants, and for certain Amerasian immigrants from Vietnam (and their close family members) as determined by the [Department of Homeland Security \(DHS\) Immigration and Naturalization Service](#).
- b) In order to be eligible to be included in a Refugee Resettlement assistance unit, an individual must be a refugee, admitted into the United States U.S. as a refugee or granted asylum, or be an Amerasian born in Vietnam between January 1, 1962, and January 1, 1976, (or a close family member of such an Amerasian) and admitted to the U.S. as an immigrant under the Orderly Departure Program (P.L. 96-212) on March 20, 1988, or be a Cuban/Haitian Entrant admitted on or after April 21, 1980, [or be an Afghani or Iraqi immigrant with special immigrant status under Section 101\(a\)\(27\) of the Immigration and Nationality Act \(INA\)](#).
- c) Assistance is limited to a period of time established by the federal government based on available federally appropriated funds for the year. The period of time begins with the first month the person entered the U.S., except for asylees, whose period begins with the date asylum was granted. Individuals whose established period of time has expired may be eligible for State Family and Children Assistance or Transitional Assistance.
- d) A child born to refugee parents may be included in the assistance unit even though the child was born in the U.S., as long as both parents are refugees.

(Source: Amended by preemptory rulemaking at 32 Ill. Reg. 18088, effective November 15, 2008)

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## NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Number: 121.20                      Peremptory Action: Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking: These changes are being made to conform with P.L. 110-161, as amended by P.L. 110-181.
- 5) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]
- 6) Effective Date: November 15, 2008
- 7) A Complete Description of the Subjects and Issues involved: Effective December 26, 2007, under P.L. 110-161, and as amended by P. L. 110-181, certain Afghani and Iraqi aliens may be granted special immigrant status under Section 101(a)(27) of the Immigration and Nationality Act (INA). Adults and family members are entitled to the same benefits as are refugees admitted under Section 207 of the INA, except that Afghani special immigrants are limited to six months of benefits and Iraqi special immigrants are limited to eight months of benefits. As a result of this peremptory rule, Afghani and Iraqi aliens granted special immigrant status under Section 101(a)(27) of the INA will be eligible to qualify for cash and food stamps without living in the U. S. for five years.  
  
There are companion amendments to 89 Ill. Adm. Code 112; 89 Ill. Adm. Code 113; 89 Ill. Adm. Code 114; and 89 Ill. Adm. Code 115.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed with the Index Department: November 10, 2008
- 10) A copy of the peremptory amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 11) This rulemaking is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.

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- 12) Are there any proposed amendments pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
121.63	Amendment	32 Ill. Reg. 2433; February 15, 2008

- 13) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

- 14) Information and questions regarding this preemptory amendment shall be directed to:

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

217/785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121  
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Service
- 121.8 Express Stamps Application Project
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt from Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Period of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

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121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits (Repealed)
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomer and Boarder
121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

## SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions from Monthly Income
121.64	Food Stamp Benefit Amount

## SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Households Receiving AFDC, SSI, Interim Assistance and/or GA – Categorical Eligibility

## SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

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## Section

- 121.80 Fraud Disqualification (Renumbered)
- 121.81 Initiation of Administrative Fraud Hearing (Repealed)
- 121.82 Definition of Fraud (Renumbered)
- 121.83 Notification To Applicant Households (Renumbered)
- 121.84 Disqualification Upon Finding of Fraud (Renumbered)
- 121.85 Court Imposed Disqualification (Renumbered)
- 121.90 Monthly Reporting and Retrospective Budgeting (Repealed)
- 121.91 Monthly Reporting (Repealed)
- 121.92 Budgeting
- 121.93 Issuance of Food Stamp Benefits
- 121.94 Replacement of the EBT Card or Food Stamp Benefits
- 121.95 Restoration of Lost Benefits
- 121.96 Uses For Benefits
- 121.97 Supplemental Payments
- 121.98 Client Training Brochure for the Electronic Benefits Transfer (EBT) System
- 121.105 State Food Program (Repealed)
- 121.107 New State Food Program
- 121.108 Transitional Food Stamp (TFS) Benefits
- 121.120 Redetermination of Eligibility
- 121.125 Redetermination of Earned Income Households
- 121.130 Residents of Shelters for Battered Women and their Children
- 121.131 Fleeing Felons and Probation/Parole Violators
- 121.135 Incorporation By Reference
- 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
- 121.145 Quarterly Reporting (Repealed)

## SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

## Section

- 121.150 Definition of Intentional Violations of the Program
- 121.151 Penalties for Intentional Violations of the Program
- 121.152 Notification To Applicant Households
- 121.153 Disqualification Upon Finding of Intentional Violation of the Program
- 121.154 Court Imposed Disqualification

## SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

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## Section

121.160	Persons Required to Participate
121.162	Program Requirements
121.163	Vocational Training
121.164	Orientation (Repealed)
121.165	Community Work
121.166	Assessment and Employability Plan (Repealed)
121.167	Counseling/Prevention Services
121.170	Job Search Activity
121.172	Basic Education Activity
121.174	Job Readiness Activity
121.176	Work Experience Activity
121.177	Illinois Works Component (Repealed)
121.178	Job Training Component (Repealed)
121.179	JTPA Employability Services Component (Repealed)
121.180	Grant Diversion Component (Repealed)
121.182	Earnfare Activity
121.184	Sanctions for Non-cooperation with Food Stamp Employment and Training
121.186	Good Cause for Failure to Cooperate
121.188	Supportive Services
121.190	Conciliation
121.200	Types of Claims (Recodified)
121.201	Establishing a Claim for Intentional Violation of the Program (Recodified)
121.202	Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203	Collecting Claim Against Households (Recodified)
121.204	Failure to Respond to Initial Demand Letter (Recodified)
121.205	Methods of Repayment of Food Stamp Claims (Recodified)
121.206	Determination of Monthly Allotment Reductions (Recodified)
121.207	Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208	Suspension and Termination of Claims (Recodified)

## SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

## Section

121.220	Work Requirement Components (Repealed)
121.221	Meeting the Work Requirement with the Earnfare Component (Repealed)
121.222	Volunteer Community Work Component (Repealed)

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- 121.223 Work Experience Component (Repealed)
- 121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)
- 121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
- 121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690,

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effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; preemptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150

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days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; preemptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; preemptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; preemptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a

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maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; preemptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; preemptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; preemptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008; amended at 32 Ill. Reg. 4380, effective March 12, 2008; amended at 32 Ill. Reg. 4813, effective March 18, 2008; amended at 32 Ill. Reg. 9621, effective June 23, 2008; preemptory amendment at 32 Ill. Reg. 16905, effective October 1, 2008; preemptory amendment at 32 Ill. Reg. 18092, effective November 15, 2008.

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

**Section 121.20 Citizenship**

To be eligible for assistance, an individual shall be either a U.S. citizen or a non-citizen within specific categories and subject to specific restrictions as set forth below:

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- a) Citizenship status – Persons born in the U.S. or in its possessions are U.S. citizens. Citizenship can also be acquired by naturalization through court proceedings or by certain persons born in a foreign country of U.S. citizen parents.
- b) Non-citizens – The following categories of non-citizens may receive assistance, if otherwise eligible regardless of their time in the U.S.:
  - 1) Lawful Permanent Resident Credited with 40 Quarters of Work
    - A) Aliens lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act (INA) who have worked 40 qualifying quarters of coverage (as defined under Title II of the Social Security Act). Effective January 1, 1997, in order for a quarter of work to count, the client must not have received any benefits under a federal means-tested program during that quarter.
    - B) Quarters of a parent count for an alien while the alien is under age 18.
    - C) Quarters of a spouse count for an alien if the alien is still married to that spouse or the spouse is deceased.
  - 2) Veterans, Active U.S. Military Service Persons and Their Dependents. A veteran honorably discharged from U.S. military service or a person in active U.S. military duty and the spouse or dependent child or children of such a person meet the citizenship requirement for food stamps if their INS status is:
    - A) lawful permanent resident;
    - B) conditional entrant under section 203(a)(7) of the INA (8 USCA 1153(a)(7));
    - C) parolee status for at least a year under section 212(d)(5) of the INA (8 USCA 1182(d)(5));

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- D) deportation withheld under section 243(h) (8 USCA 1253(h)) or 241(b)(3) (8 USCA 1231(b)(3)) of the INA; or
  - E) battered spouse or child, or parent or child of a battered person with a petition pending under section 204(a)(1)(A) or (B) (8 USCA 1154(a)(1)(A) or (B)) or 244(a)(3) (8 USCA 1641(c)) of the INA. This status does not apply if the non-citizen lives with the abuser.
- c) The following non-citizens meet the citizenship requirement for food stamps indefinitely even if their status later changes to lawful permanent resident:
- 1) refugees admitted under section 207 of the INA;
  - 2) asylees admitted under section 208 of the INA;
  - 3) persons for whom deportation has been withheld under section 243(h) (8 USCA 1253(h)) or 241(b)(3) (8 USCA 1231(b)(3)) of the INA;
  - 4) Cuban or Haitian national admitted on or after 4/21/80; or
  - 5) Amerasians from Vietnam and their close family members admitted through the Orderly Departure Program beginning on 3/20/88.
- d) Elderly non-citizens who were lawfully residing in the U.S. on 8/22/96, and children lawfully residing in the U.S., and disabled persons lawfully residing in the U.S. A person qualifies as elderly if the person was age 65 on 8/22/96. A person qualifies as a child if the person is under age 18. A person qualifies as disabled/blind if the person meets one of the requirements listed in Section 121.61(a)(1)(B) through (L). The person must also have the following status with INS:
- 1) lawful permanent resident;
  - 2) conditional entrant under section 203(a)(7) of the INA (8 USCA 1153(a)(7));
  - 3) parolee status for at least a year under section 212(d)(5) of the INA (8 USCA 1182(d)(5)); or

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- 4) battered spouse or child, or parent or child of a battered person with a petition pending under section 204(a)(1)(A) or (B) (8 USCA 1154(a)(1)(A) or (B)) or 240A of the INA. This status does not apply if the non-citizen lives with the abuser.
- 5) [Afghani or Iraqi immigrant with special immigrant status under Section 101\(a\)\(27\) of the INA.](#)
- e) Hmong or Highland Laotian tribe members and the member's close family members. A person lawfully residing in the U.S. that was a member of a Hmong or Highland Laotian tribe when the tribe helped U.S. personnel by taking part in a military or rescue operation during the Vietnam era (between August 5, 1964 and May 7, 1975). This also includes the person's spouse, unmarried surviving spouse, if deceased, and unmarried dependent children.
- f) Certain American Indians born in Canada. An American Indian born in Canada to whom the provisions of section 289 of the INA apply, and a member of an Indian tribe as defined in section 4e of the Indian Self-Determination and Education Assistance Act.
- g) Noncitizens who have lived in the U.S. for at least 5 years in the following status with INS may receive assistance, if otherwise eligible:
  - 1) lawful permanent resident;
  - 2) conditional entrant under section 203(a)(7) of the INA;
  - 3) parolee status for at least a year under section 212(d)(5) of the INA; or
  - 4) battered spouse or child, or parent or child of a battered person with a petition pending under section 204(a)(1)(A) or (B) (8 USCA 1154(a)(1)(A) or (B)) or 240A of the INA. This status does not apply if the noncitizen lives with the abuser.
- h) [Afghani immigrants with special immigrant status under Section 101\(a\)\(27\) of the INA – eligibility limited to six months from the date the special status is granted.](#)
- i) [Iraqi immigrants with special immigrant status under Section 101\(a\)\(27\) of the INA – eligibility limited to eight months from the date the special status is](#)

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| [granted.](#)

(Source: Amended by preemptory rulemaking at 32 Ill. Reg. 18092, effective November 15, 2008)

## ILLINOIS STATE BOARD OF INVESTMENT

AGENCY RESPONSE TO JOINT COMMITTEE OBJECTION TO PROPOSED  
RULEMAKING

- 1) Heading of the Part: State (of Illinois) Employees' Deferred Compensation Plan
- 2) Code Citation: 80 Ill. Adm. Code 2700
- 3) Section Numbers:

2700.110	2700.415	2700.700
2700.125	2700.610	2700.730
2700.200	2700.620	2700.740
2700.310	2700.630	2700.745
2700.315	2700.640	2700.810
2700.320	2700.670	
2700.410	2700.680	
- 4) Register Citation: 4/25/08  
32 Ill. Reg. 6840
- 5) Summary of Action Taken by the Agency:

On October 16, 2008, the Joint Committee on Administrative Rules (JCAR) objected to the rulemaking of the Illinois State Board of Investment titled State (of Illinois) Employees' Deferred Compensation Plan (80 Ill. Adm. Code 2700; 32 Ill. Reg. 6840) because the rulemaking lacked standards governing how the Board selects investment options.

In response to this specific objection by JCAR, the Board will withdraw the proposed rulemaking in its entirety.

The Board has agreed to pursue, after consultation with affected parties, further rulemaking to address, by 4/19/09, standards governing the selection of investment vehicles and other updates to the existing rules. Further, the Board has agreed to pursue, after consultation with affected parties, possible amendment to the Deferred Compensation Plan statute to clarify the roles of the Board and the Department of Central Management Services in administration of the Plan. Finally, the Board has agreed to hold full and responsive hearings in compliance with the IAPA on these future rulemakings.

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## NOTICE OF PUBLICATION ERROR

## ILLINOIS COMMERCE COMMISSION

- 1) Heading of the Part: Certification of Alternative Retail Electric Suppliers
- 2) Code Citation: 83 Ill. Adm. Code 451
- 3) Register citation of adopted rulemaking and other pertinent action: 32 Ill. Reg. 17126; October 31, 2008
- 4) Explanation: On the notice page for this adopted rulemaking, the sections contained in the rulemaking were listed as Sections 451.20 and 451.73. The second Section should have been listed as 451.730. JCAR apologizes for any inconvenience this oversight may have caused.

## ILLINOIS DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Private Sewage Disposal Code
- 2) Code Citation: 77 Ill. Adm. Code 905
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
905.10	Amend
905.15	Amend
905.20	Amend
905.30	Amend
905.40	Amend
905.50	Amend
905.55	Amend
905.60	Amend
905.70	Amend
905.80	Amend
905.90	Amend
905.95	Amend
905.100	Amend
905.110	Amend
905.120	Amend
905.125	Amend
905.130	Amend
905.140	Amend
905.180	Amend
905.190	Amend
905.195	New
905.200	Amend
905.205	Amend
905.APPENDIX A	
905.ILLUSTRATION C	Amend
905.ILLUSTRATION D	Amend
905.ILLUSTRATION G	Amend
905.ILLUSTRATION L	Amend
905.EXHIBIT C	Amend
905.ILLUSTRATION M	Amend
905.EXHIBIT A	Amend
905.ILLUSTRATION N	Amend
905.EXHIBIT B	Amend
905.EXHIBIT C	Amend

## ILLINOIS DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

905.ILLUSTRATION Y	New
905.EXHIBIT A	New
905.EXHIBIT B	New
905.ILLUSTRATION Z	New
905.APPENDIX B	Amend

- 4) Date Notice of Proposed Amendments Published in Illinois Register: November 26, 2007, 31 Ill. Reg. 15642
  
- 5) Reason for withdrawal: The Department is withdrawing the proposed amendments to the Private Sewage Disposal Code (77 Ill Adm. Code 305) in order to reopen discussions with the interested parties about additional changes that would incorporate the legislative changes that have occurred since the proposed amendments were drafted. It is the opinion of the Department that opening a dialogue with the regulated industry and certified local health departments to restructure the rules will result in optimal implementation at the local level. Although this withdrawal will lengthen the process to adopt a final rulemaking, preparing a new draft rulemaking at this juncture will allow the Department to properly address issues related to alternative technology, sub-surface drip irrigation, portable sanitation requirements and National Pollutant Discharge Elimination System (NPDES) requirements that will result in compliance with state and federal laws.

## ILLINOIS STATE BOARD OF INVESTMENT

## NOTICE OF WITHDRAWAL OF PROPOSED RULES

- 1) Heading of the Part: State (of Illinois) Employees' Deferred Compensation Plan
- 2) Code Citation: 80 Ill. Adm. Code 2700
- 3) Section Numbers:

2700.110	2700.415	2700.700
2700.125	2700.610	2700.730
2700.200	2700.620	2700.740
2700.310	2700.630	2700.745
2700.315	2700.640	2700.810
2700.320	2700.670	
2700.410	2700.680	

Proposed Action: Withdrawal of Proposed Rules

- 4) Date Notice of Proposed Rules Published in the Illinois Register: 4/25/08, 32 Ill. Reg. 6840
- 5) Reason for the Withdrawal:

On October 16, 2008, the Joint Committee on Administrative Rules (JCAR) objected to the rulemaking of the Illinois State Board of Investment titled State (of Illinois) Employees' Deferred Compensation Plan (80 Ill. Adm. Code 2700; 32 Ill. Reg. 6840) because the rulemaking lacked standards governing how the Board selects investment options.

In response to this specific objection by JCAR, the Board is withdrawing the proposed rulemaking in its entirety.

The Board has agreed to pursue, after consultation with affected parties, further rulemaking to address, by 4/19/09, standards governing the selection of investment vehicles and other updates to the existing rules. Further, the Board has agreed to pursue, after consultation with affected parties, possible amendment to the Deferred Compensation Plan statute to clarify the roles of the Board and the Department of Central Management Services in administration of the Plan. Finally, the Board has agreed to hold full and responsive hearings in compliance with the IAPA on these future rulemakings.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of November 4, 2008 through November 10, 2008 and have been scheduled for review by the Committee at its December 16, 2008 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
12/19/08	<u>Human Rights Commission</u> , Procedural Rules (56 Ill. Adm. Code 5300)	9/5/08 32 Ill. Reg. 14371	12/16/08
12/21/08	<u>Department of Financial and Professional Regulation</u> , Insurance Data Reporting Requirements (50 Ill. Adm. Code 4203)	8/15/08 32 Ill. Reg. 13439	12/16/08
12/21/08	<u>Department of Financial and Professional Regulation</u> , Life Insurance Solicitation (50 Ill. Adm. Code 930)	8/15/08 32 Ill. Reg. 13374	12/16/08
12/24/08	<u>Department of Agriculture</u> , Insect Pest and Plant Disease Act (8 Ill. Adm. Code 240)	8/22/08 32 Ill. Reg. 13618	12/16/08

## PROCLAMATIONS

**2008-421****GUBERNATORIAL PROCLAMATION**

Severe storms with continual heavy rainfall impacted Northern Illinois beginning September 13, 2008. These storms resulted in Flash flooding forcing many residents from their homes, causing damage to homes, businesses and infrastructures.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists within the State of Illinois, and specifically, declare Cass, Greene, Macoupin, Montgomery, Peoria and Scott counties as a disaster area, pursuant to the provisions of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations. This proclamation will also make possible the request for federal assistance to supplement the State's efforts if it is deemed necessary to protect the public health and safety and to assist in recovery.

Dated November 7, 2008

Filed November 7, 2008

**2008-422****Hire a Veteran Month**

WHEREAS, in times of peace and war, the men and women of the United States Army, Navy, Marines, Air Force, and Coast Guard have carried out their duty and provided immeasurable service to our nation, their fellow citizens, and the people of the world; and

WHEREAS, of the tens of millions of officers, soldiers, and civilians who have served in the United States Armed Forces, more than one million have lost their lives in defense of American freedom; and

WHEREAS, according to the most recent statistics compiled by the United States Department of Veterans Affairs, there are approximately twenty-four million veterans in the United States, nearly one million of whom live in Illinois. Unfortunately, too many of these former service men and women are currently unemployed; and

## PROCLAMATIONS

WHEREAS, the United States of America and the State of Illinois are committed to making sure that our military heroes and families receive the benefits they rightfully deserve when they return home; and

WHEREAS, the State of Illinois, through its Department of Veterans Affairs, seeks to provide educational, employment, medical, and other assistance to its veterans, who have so honorably sacrificed for others and placed the needs of others above their own; and

WHEREAS, in addition to federal benefits available, Illinois has many of its own benefits for our states' veterans and family members including compensation, education, burial, real estate, and permits. There are also a number of programs designed to assist with employment; and

WHEREAS, preference is given in Central Management Services entrance examinations to honorably discharged veterans who served in times of hostility and peace; and

WHEREAS, the Department of Employment Security/Illinois Job Service provides trained Veterans Representatives to help veterans get the training and jobs they need and an electronic statewide job search information system is available at different locations throughout the state; and

WHEREAS, the Department of Human Services provides services for veterans with mental/physical disabilities that assist them in returning to gainful employment; and

WHEREAS, the Illinois Department of Commerce and Economic Opportunity has a number of Small Business Administration loan and Job Training Programs to assist veterans; and

WHEREAS, employers—and all citizens—should be aware that our veterans have diverse capabilities, a broad range of skills, multifaceted training and proven character:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2008 as **HIRE A VETERAN MONTH** in Illinois, and encourage all businesses and places of employment to consider providing job opportunities for those who have served in our Armed Forces.

Issued by the Governor October 31, 2008

Filed by the Secretary of State November 7, 2008.

## PROCLAMATIONS

**2008-423****Prematurity Awareness Month**

- WHEREAS, from birth to one-year-old, prematurity is the leading cause of death among babies in the United States; and those that do survive are susceptible to lifelong health issues and learning challenges such as chronic lung disease, blindness, and cerebral palsy. Prematurity also costs families and communities billions of dollars every year in care and treatment; and
- WHEREAS, premature birth threatens the lives and health of more than half a million babies every year, including 23,360 babies in Illinois, and that number is rising; and
- WHEREAS, in response, the March of Dimes is leading a national campaign to save babies from premature birth by funding research to find the causes and by aiding local programs that provide assistance to families with babies that are prematurely born; and
- WHEREAS, this November, the March of Dimes will coordinate activities throughout the country with help from many local healthcare professionals and government agencies and departments to call attention to premature birth and to offer hope to families affected by it:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2008 as **PREMATURITY AWARENESS MONTH** in Illinois, in support of the worthy efforts by the March of Dimes to prevent and raise awareness of this problem that affects so many babies, families, and communities.

Issued by the Governor October 31, 2008

Filed by the Secretary of State November 7, 2008.

**2008-424****Sgt. Kevin D. Grieco**

- WHEREAS, on Monday, October 27, Army Sergeant Kevin D. Grieco from Bartlett died at age 35 of wounds suffered when a suicide bomber detonated explosives while his patrol was preparing to enter a building in Baghlan, Afghanistan, where Sgt. Grieco was serving in support of Operation Enduring Freedom; and
- WHEREAS, Sgt. Grieco graduated in 1992 from Waynesville High School in Missouri and went on to earn a bachelors degree at Aurora University in 2004; and

## PROCLAMATIONS

WHEREAS, assigned to the A Battery, 2<sup>nd</sup> Battalion, 122<sup>nd</sup> Field Artillery, Army National Guard unit, based in Sycamore, Illinois, Sgt. Grieco enlisted in the Illinois National Guard in December 2006 after 13 years in the United States Navy; and

WHEREAS, a funeral will be held on Thursday, November 6 for Sgt. Grieco, who is survived by his parents, Ralph and Linda Grieco, his wife Rashmi, and two children, Joshua, 4, and Angeli, 2:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on November 4, 2008 until sunset on November 6, 2008 in honor and remembrance of Sgt. Grieco, whose selfless service and sacrifice is an inspiration.

Issued by the Governor November 3, 2008  
Filed by the Secretary of State November 7, 2008.

**2008-425**  
**Veterans Day**

WHEREAS, through the generations, America's men and women in uniform have defeated tyrants, liberated continents, and set a standard of courage and idealism for the entire world; and

WHEREAS, to protect the Nation they love, our veterans stepped forward when America needed them most. In answering history's call with honor, decency, and resolve, our veterans have shown the power of liberty and earned the respect and admiration of a grateful Nation; and

WHEREAS, all of America's veterans have placed our Nation's security before their own lives, creating a debt that we can never fully repay. Our veterans represent the best of America, and they deserve the best America can give them; and

WHEREAS, as we recall the service of our Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen, we are reminded that the defense of freedom comes with great loss and sacrifice; and

WHEREAS, this Veterans Day, we give thanks to those who have served freedom's cause; we salute the members of our Armed Forces who are confronting our adversaries abroad; and we honor the men and women who left America's shores but did not live to be thanked as veterans. They will always be remembered by our country:

PROCLAMATIONS

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 11, 2008 as **VETERANS DAY** in Illinois, and encourage all Americans to recognize the valor and sacrifice of our veterans through ceremonies and prayers.

Issued by the Governor November 3, 2008

Filed by the Secretary of State November 7, 2008.

# ILLINOIS ADMINISTRATIVE CODE

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