

# 2010

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# ILLINOIS

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# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



Volume 34, Issue 9  
February 26, 2010  
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# TABLE OF CONTENTS

February 26, 2010 Volume 34, Issue 9

## PROPOSED RULES

### COMMERCE COMMISSION, ILLINOIS

#### Imputation

83 Ill. Adm. Code 792.....2769

### NATURAL RESOURCES, DEPARTMENT OF

#### Disposition of Deer Accidentally Killed by a Motor Vehicle or Other Non-Hunting Methods

17 Ill. Adm. Code 750.....2777

#### Designation of Restricted Waters in the State of Illinois

17 Ill. Adm. Code 2030.....2784

### RACING BOARD, ILLINOIS

#### Race Track Operators and their Duties

11 Ill. Adm. Code 1305.....2789

#### License and Applications; Association Licenses (Thoroughbred)

11 Ill. Adm. Code 1407.....2794

### SECRETARY OF STATE

#### School Bus Driver Permit

92 Ill. Adm. Code 1035.....2798

## ADOPTED RULES

### INSURANCE, DEPARTMENT OF

#### Infertility Coverage

50 Ill. Adm. Code 2015.....2811

### RACING BOARD, ILLINOIS

#### Jockeys, Apprentices, Jockey Agents, and Valets

11 Ill. Adm. Code 1411.....2816

## EMERGENCY RULES

### RACING BOARD, ILLINOIS

#### Advance Deposit Wagering (ADW)

11 Ill. Adm. Code 325.....2823

## NOTICE OF WITHDRAWAL TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

### HUMAN SERVICES, DEPARTMENT OF

#### Temporary Assistance for Needy Families

89 Ill. Adm. Code 112.....2827

#### General Assistance

89 Ill. Adm. Code 114.....2828

## JOINT COMMITTEE ON ADMINISTRATIVE RULES STATEMENT OF OBJECTION TO PROPOSED RULEMAKING

### CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

#### Placement and Visitation Services

89 Ill. Adm. Code 301.....	2829
<b>SECOND NOTICES RECEIVED</b>	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received.....	2830

## 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 preemptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

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

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

### ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2010

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 21, 2009	January 4, 2010
2	December 28, 2009	January 8, 2010
3	January 4, 2010	January 15, 2010
4	January 11, 2010	January 22, 2010
5	January 19, 2010	January 29, 2010
6	January 25, 2010	February 5, 2010
7	February 1, 2010	February 16, 2010
8	February 8, 2010	February 19, 2010
9	February 16, 2010	February 26, 2010
10	February 22, 2010	March 5, 2010
11	March 1, 2010	March 12, 2010
12	March 8, 2010	March 19, 2010
13	March 15, 2010	March 26, 2010
14	March 22, 2010	April 2, 2010
15	March 29, 2010	April 9, 2010
16	April 5, 2010	April 16, 2010
17	April 12, 2010	April 23, 2010
18	April 19, 2010	April 30, 2010
19	April 26, 2010	May 7, 2010
20	May 3, 2010	May 14, 2010
21	May 10, 2010	May 21, 2010
22	May 17, 2010	May 28, 2010
23	May 24, 2010	June 4, 2010
24	June 1, 2010	June 11, 2010

<b><u>Issue #</u></b>	<b><u>Rules Due Date</u></b>	<b><u>Date of Issue</u></b>
25	June 7, 2010	June 18, 2010
26	June 14, 2010	June 25, 2010
27	June 21, 2010	July 2, 2010
28	June 28, 2010	July 9, 2010
29	July 6, 2010	July 16, 2010
30	July 12, 2010	July 23, 2010
31	July 19, 2010	July 30, 2010
32	July 26, 2010	August 6, 2010
33	August 2, 2010	August 13, 2010
34	August 9, 2010	August 20, 2010
35	August 16, 2010	August 27, 2010
36	August 23, 2010	September 3, 2010
37	August 30, 2010	September 10, 2010
38	September 7, 2010	September 17, 2010
39	September 13, 2010	September 24, 2010
40	September 20, 2010	October 1, 2010
41	September 27, 2010	October 8, 2010
42	October 4, 2010	October 15, 2010
43	October 12, 2010	October 22, 2010
44	October 18, 2010	October 29, 2010
45	October 25, 2010	November 5, 2010
46	November 1, 2010	November 12, 2010
47	November 8, 2010	November 19, 2010
48	November 15, 2010	November 29, 2010
49	November 22, 2010	December 3, 2010
50	November 29, 2010	December 10, 2010
51	December 6, 2010	December 17, 2010
52	December 13, 2010	December 27, 2010
53	December 20, 2010	January 3, 2011

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Imputation
- 2) Code Citation: 83 Ill. Adm. Code 792
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
792.30	Amendment
792.40	Amendment
- 4) Statutory Authority: Implementing Section 13-505.1 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-505.1 and 10-101]
- 5) A Complete Description of the Subjects and Issues Involved: Part 792 applies only to a telecommunications carrier that provides both competitive and noncompetitive services. With respect to the circumstances in which a carrier must satisfy an imputation test, Section 13-505.1(a) states:

If a carrier provides noncompetitive services or noncompetitive service elements to other telecommunications carriers for the provision by the other carriers of competitive services, switched interexchange services, or interexchange private line services or to other persons with which the telecommunications carrier also competes for the provision by those other persons of information or enhanced telecommunications services, as defined by the [FCC]..., then the telecommunications carrier shall satisfy an imputation test for each of its own competitive services, switched interexchange services, or interexchange private line services, that utilize the same or functionally equivalent noncompetitive services or noncompetitive service elements.

Section 792.30(e) and (f) require that each carrier subject to Part 792 shall biennially file imputation tests for each subject service (or where permissible, appropriate certification that previously performed imputation tests remain effective and reliable). In light of increased telecommunications competition and a corresponding decrease in the number of noncompetitive services and service elements, the Commission believes this requirement is unnecessary and redundant. Deletion of Sections 792.30(e) and 792.30(f) would leave undisturbed all current imputation tests as baseline filings, as well as the current requirements that imputation test be filed under the specified circumstances. Deletion of these requirements should reduce compliance burdens imposed on subject telecommunications providers, while continuing to ensure ready availability of all information necessary to determine whether the potential exists for pricing irregularities.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 6) Published studies or reports, and sources of underlying data, used to compose 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: These proposed amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 09-0383, with:  
  
Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield IL 62701  
  
217/782-7434
- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These amendments will not affect any small municipalities or not for profit corporations.
  - B) Reporting, bookkeeping or other procedures required for compliance:  
Bookkeeping
  - C) Types of professional skills necessary for compliance: Managerial skills

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

14) Regulatory Agenda on which this rulemaking was summarized: January 2010

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

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER f: TELEPHONE UTILITIESPART 792  
IMPUTATION

## Section

792.10	Carriers Subject to Imputation Rules
792.20	Services Subject to Imputation
792.30	When an Imputation Test Must Be Filed
792.40	Minimum Filing Requirements for an Imputation Test
792.50	Proprietary Treatment
792.60	Identification of Filings

AUTHORITY: Implementing Section 13-505.1 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-505.1 and 10-101].

SOURCE: Adopted at 18 Ill. Reg. 1919, effective February 1, 1994; amended at 26 Ill. Reg. 18269, effective December 15, 2002; amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 792.30 When an Imputation Test Must Be Filed**

- a) Initial tests. Except as provided in subsection (b), in the event a new telecommunications carrier subject to this Part purchases assets of an existing telecommunications carrier, otherwise assumes ownership of one or more exchanges, or engages in a transaction that causes the carrier or services to become subject to Section 13-505.1 of the Act, that new carrier shall file, with the Illinois Commerce Commission (Commission), initial imputation tests or an adoption of the imputation tests of the former carrier within 180 days after the consummation of the transaction. Along with the initial imputation tests or adoption of imputation tests, the new carrier shall file with the Commission a List of Services as provided in subsection (e). Subsequent to the filing of initial imputation tests or adoption, the new subject carrier shall file subsequent tests and biennial tests in accordance with the requirements of subsections (c) and (e).
- b) Exceptions for filing initial test. In the event that the Commission has previously determined, or is currently evaluating, in a docketed proceeding, whether all services that are subject to the requirements of Section 13-505.1 of the Act satisfy

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

the statutory imputation requirements, a carrier will not be required to make the filings otherwise required by subsection (a), except as required in connection with the docketed proceeding. To qualify for the exception in this subsection, a carrier must file a certification that all subject services were evaluated, or are currently being evaluated, for compliance with Section 13-505.1 of the Act in a docketed proceeding. The certification shall be signed by an officer of the carrier, shall state that the filing is made pursuant to Part 792, and shall identify the docket in which compliance with Section 13-505.1 was previously or is currently being evaluated. This certification shall be filed with the Chief Clerk of the Commission with a copy provided to the Director of the Commission's Telecommunications Division.

- c) Subsequent tests. In addition to any other requirement in this Part 792, an imputation test must be filed whenever a new service is subject to Section 13-505.1 of the Act or an existing service becomes subject to Section 13-505.1 of the Act. Circumstances under which the tests shall be filed include, but are not limited to, the following:
- 1) When any tariff is filed reclassifying a noncompetitive service as a competitive service that is subject to imputation;
  - 2) When any tariff is filed that reduces rates for a service that is subject to imputation under Section 13-505.1 of the Act; and
  - 3) When any tariff is filed that increases rates for a noncompetitive service or a noncompetitive service element, or its functional equivalent, which is utilized in providing a service subject to imputation.
- d) Filings made pursuant to subsections (a) and (c) shall be made in the form of either a tariff filing pursuant to Section 9-201 of the Act [220 ILCS 5/9-201] or a petition filed pursuant to 83 Ill. Adm. Code 200. In the event the tests become the subject of a proceeding as a result of the suspension of the tariffs pursuant to Section 9-201 of the Act or by the filing of a petition, the Commission shall issue an order within 120 days determining whether the imputation test for each subject service and the result of the test satisfy the requirements of Section 13-505.1 of the Act. The 120-day requirement, if applicable, may be extended by agreement of all parties to the proceeding. Any filing made pursuant to subsections (a) and (c) shall be made with the Chief Clerk of the Commission with a copy provided to the Director of the Commission's Telecommunications Division.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- e) ~~Biennial tests. Except as provided in subsection (f), beginning on February 1, 2003 and biennially thereafter in odd-numbered years on February 1, a subject carrier shall file with the Commission an imputation test for each service for which an imputation test is required and a list of services (List of Services). This List of Services shall identify all services provided by the carrier and shall specifically identify those services that are subject to the requirements of Section 13-505.1 of the Act. Marked-up tariff indexes and pages may be filed as an alternative to the List of Services. Any filing made pursuant to this subsection shall be made with the Chief Clerk of the Commission with a copy provided to the Director of the Commission's Telecommunications Division.~~
- f) ~~Certification in lieu of filing biennial imputation test. The requirement for filing biennial imputation tests will be deemed to be satisfied if the carrier files with the Commission, on or before the date the biennial imputation test is due, a certification in accordance with the requirements of this subsection. The certification shall be signed by an officer of the carrier and shall certify that:~~
- 1) ~~any imputation test including supporting documentation, if filed, would be identical to a previously filed imputation test including supporting documentation; and~~
  - 2) ~~the Commission is entitled to rely upon the previously filed imputation test including supporting documentation as the carrier's filing for the biennial test year in question.~~

~~Any certification filed pursuant to this subsection shall identify when each imputation test that is the subject of the certification was filed. Any certification filing made pursuant to this subsection shall be made with the Chief Clerk of the Commission with a copy provided to the Director of the Commission's Telecommunications Division. At the request of Staff, the carrier filing such a certification shall provide to Staff, promptly after Staff's request, a copy of the previously filed imputation test identified in the certification. The certification described in this subsection does not excuse the filing of the List of Services or marked-up tariff indexes and pages.~~

- e)g) Whenever the List of Services on file with the Commission becomes inaccurate for any reason, a revised List of Services shall be filed with the Director of the Telecommunications Division and the Chief Clerk of the Commission within 30

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

days after the event causing the list to become inaccurate occurs. A carrier may satisfy the requirement to file a revised list by filing amendatory pages, which replace only individual pages of its existing list that are inaccurate, without replacing the entire List of Services.

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 792.40 Minimum Filing Requirements for an Imputation Test**

- a) Any imputation test filed with the Commission pursuant to Section 792.30(a) ~~or~~ ~~(c)~~ shall include the following:
- 1) For each service subject to imputation, a list of noncompetitive services or noncompetitive service elements, or their functional equivalent, that are utilized to provide the service;
  - 2) For each service subject to imputation, an illustration or diagram and a written description of the service, specifically identifying the noncompetitive services and noncompetitive service elements, or their functional equivalent, and the competitive services and competitive service elements that are utilized to provide the service. Both proprietary and non-proprietary versions of these documents shall be provided;
  - 3) For each service subject to imputation, a description of the underlying methods, assumptions, mathematical formulas, and level of disaggregation of data that will be used in performing the imputation test. The underlying methods, assumptions, mathematical formulas, and level of disaggregation of data used in an imputation test shall be consistent with Section 13-505.1 of the Act, where the imputed costs of a service are defined as the sum of the following:
    - A) *Specifically tariffed premium rates for the noncompetitive services or noncompetitive service elements, or their functional equivalent, that are utilized to provide the service;*
    - B) *The long-run service incremental costs of facilities and functionalities that are utilized but not specifically tariffed; and*
    - C) *Any other identifiable, long-run service incremental costs*

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

*associated with the provision of the service* (Section 13-505.1 of the Act); and

- 4) The results of the imputation test.
- b) Any imputation test filed in compliance with subsection (a)(3) shall comply with the requirements for long-run service incremental cost studies in 83 Ill. Adm. Code 791.

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Disposition of Deer Accidentally Killed by a Motor Vehicle or Other Non-Hunting Methods
- 2) Code Citation: 17 Ill. Adm. Code 750
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
750.10	Amendment
750.20	Amendment
750.30	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 1.4, 2.24 and 2.26 of the Wildlife Code [520 ILCS 5/1.4, 2.24 and 2.26]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to incorporate new regulations and reporting requirements pertaining to persons who claim a deer killed in a vehicle collision or deer that is killed by methods other than a vehicle collision.
- 6) Published studies or reports, and sources of underlying data, used to compose 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 Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Stanley Yonkausk, Jr.  
Legal Counsel  
Department of Natural Resources

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

One Natural Resources Way  
Springfield IL 62702-1271

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2010

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
 CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
 SUBCHAPTER b: FISH AND WILDLIFE

## PART 750

SALVAGE PERMITS FOR DISPOSITION OF DEER ACCIDENTALLY KILLED BY A  
 MOTOR VEHICLE  
 OR OTHER NON-HUNTING METHODS

## Section

750.10	<u>Deer Killed by a Motor Vehicle</u> <del>Legal Possession</del>
750.20	<u>Deer Killed by Other Methods</u> <del>Required Reporting Information</del>
750.30	<u>Additional Regulations</u>

AUTHORITY: Implementing and authorized by Sections 1.4, 2.24 and 2.26 of the Wildlife Code [520 ILCS 5/1.4, 2.24 and 2.26].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 759, effective September 4, 1980; emergency amendment at 5 Ill. Reg. 7259, effective July 1, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10646; amended at 5 Ill. Reg. 13215, effective November 16, 1981; amended at 6 Ill. Reg. 7394, effective June 11, 1982; amended at 11 Ill. Reg. 2262, effective January 20, 1987; amended at 14 Ill. Reg. 13519, effective August 10, 1990; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 23 Ill. Reg. 8387, effective July 7, 1999; amended at 26 Ill. Reg. 4204, effective March 11, 2002; amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 750.10 Deer Killed by a Motor Vehicle~~Legal Possession~~**

A whitetail deer that is killed as a result of a collision with a motor vehicle, ~~or killed by other methods~~, may only be legally possessed by an individual if the following criteria are met:

- a) Only citizens of the State of Illinois who are not delinquent in child support may possess or transport whitetail deer that have been killed as a result of a collision with a motor vehicle. The driver of a motor vehicle involved in a vehicle-deer collision has priority in possessing the deer. ~~If the driver of the motor vehicle does not take possession of the deer before leaving the collision scene, any citizen of the State of Illinois may possess and transport the deer. Any individual who wants to take a vehicle-killed deer to a taxidermist or tannery must obtain a tag from the Illinois Department of Natural Resources, Office of Law Enforcement,~~

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

~~before delivering the deer to the taxidermist or tannery. The tag cannot be discarded until the deer is at the legal residence of the person who legally claimed the deer.~~ There is no limit to the number of deer that may be possessed.

- b) Individuals who claim a deer killed in a vehicle collision shall report the possession of the road-kill deer to the Department of Natural Resources within 24 hours via the Department's website at [www.dnr.state.il.us](http://www.dnr.state.il.us) or report the possession of the road-kill deer by telephoning (217)782-6431 no later than 4:30 p.m. on the next business day. The individual claiming the deer must provide the following information~~record the following information and provide it to any law enforcement officer investigating the death and possession of the deer:~~
- 1) date the deer was claimed;
  - 2) sex of the deer;
  - 3) if a male deer with antlers, how many points (antler projections measuring 1 inch or greater in length);~~location of the kill; and~~
  - 4) if antlers are present, are they in velvet;~~location where the deer or deer parts are stored.~~
  - 5) if the deer is a fawn, are spots still present on the hide;
  - 6) is the deer hide all white or mostly white;
  - 7) location of the kill;
  - 8) if a tag is needed so the deer can be taken to a taxidermist or hide tanner; and
  - 9) full name, including middle initial, date of birth, customer ID number or Social Security Number, mailing address and telephone number.
- c) Individuals who claim a deer killed in a vehicle collision shall keep the record until they obtain a tag for taking the deer to a taxidermist or tannery or the deer and its parts are consumed or are no longer possessed by any person.
- d) Road-kill deer will only require a tag if they are to be delivered to a commercial

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

~~business for the purpose of taxidermy or tanning. The tag shall remain attached to the antler of any road-kill deer that has at least one antler three inches or greater in length. In cases in which the deer does not have at least one antler that is three inches or greater in length, the tag shall be attached to the hide of the deer. The salvage tag shall remain attached to the deer as long as the head/antler or hide remains in a green or unprocessed state, or when in a commercial business for the purpose of taxidermy or tanning. Any individual finding a dead or crippled deer, other than those killed in a vehicle-deer collision, or legally taken by hunting methods, shall not transport the deer or deer parts until permission is obtained from a Conservation Police Officer or the Regional Law Enforcement Office. Permission will be granted to transport if it is determined by an investigation that the person requesting possession did not illegally kill or injure the deer and the deer is not needed for evidentiary purposes. When retained, the head/antler and hide shall be properly tagged with an irremovable tag obtained from the Regional Law Enforcement Office. The head/antler and hide tags shall remain attached to the head/antler or hide as long as the head/antler or hide remains in the green state, or when in a commercial business for the purpose of taxidermy, tanning, or other manufacturing processing. The carcass shall be properly tagged with an irremovable tag obtained from the Regional Law Enforcement Office. This tag can be discarded only after the deer has been processed, prepared for consumption, and is at the legal residence of the person who legally took possession of the deer killed by other methods. The carcass tag requirement shall be waived by the Regional Law Enforcement Office if the individual possessing the deer carcass will process the deer at the individual's residence.~~

- e) ~~Inedible parts of vehicle-killed deer or deer killed by other methods, other than deer legally taken by hunting methods, shall not be sold.~~
- f) ~~The State of Illinois is absolved of any and all liability associated with the handling or utilization of vehicle-killed deer or deer killed by other methods. This, however, does not relieve involved parties from reporting other liabilities to appropriate agencies as required.~~
- g) ~~Except for any Law Enforcement Officers, authorized employees as defined in Section 1.2b of the Wildlife Code [520 ILCS 5/1.2b], or specific representatives from park districts or forest preserve districts as authorized by the Director, it shall be illegal to kill a deer crippled by a collision with a motor vehicle, or injured by any other method.~~

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 750.20 Deer Killed by Other Methods~~Required Reporting Information~~**

A whitetail deer that is killed by methods other than a collision with a vehicle may be legally possessed by an individual if the following criteria are met. Individuals reporting possession of a deer killed by other methods will provide the following information:

- a) Any individual finding a dead or crippled deer, other than those killed in a vehicle-deer collision or legally taken by hunting methods, shall not move, transport or take possession of the deer or deer parts until permission is obtained from a Conservation Police Officer or the DNR Regional Law Enforcement Office. Permission will be granted to transport if it is determined by an investigation that the person requesting possession did not illegally kill or injure the deer and the deer is not needed for evidentiary purposes.~~Name, address, and telephone number of individual possessing deer;~~
- b) A salvage tag will be issued for the deer only after the person seeking to possess the deer has provided all information/materials required by the DNR Regional Law Enforcement Office. When retained, the head/antler or hide shall be properly tagged with an irremovable tag obtained from the Regional Law Enforcement Office. The tag shall remain attached to the antler of the deer that has at least one antler three inches or greater in length. In cases in which the deer does not have at least one antler that is three inches or greater in length, the tag shall be attached to the hide/leg of the deer carcass. The salvage tag shall remain attached to the deer as long as the head/antler or hide/carcass remains in a green or unprocessed state, or when in a commercial business for the purpose of taxidermy, tanning or other processing. This tag can be discarded only after the deer has been preserved or processed for consumption and is at the legal residence of the person who legally took possession of the salvaged deer.~~Sex of deer;~~
- e) ~~Location of kill.~~

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 750.30 Additional Regulations**

- a) Inedible parts of vehicle-killed deer or other salvaged deer shall not be bartered or sold.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- b) The State of Illinois is absolved of any and all liability associated with the handling or utilization of vehicle-killed deer or deer killed by other methods. This, however, does not relieve involved parties from reporting other liabilities to appropriate agencies as required.
- c) Except for any Law Enforcement Officers, authorized employee as defined in Section 1.2b of the Wildlife Code [520 ILCS 5/1.2b], or specific representatives from park districts or forest preserve districts as authorized by the Director, it shall be illegal to kill a deer crippled by a collision with a motor vehicle or injured by any other method.

(Source: Added at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Designation of Restricted Waters in the State of Illinois
- 2) Code Citation: 17 Ill. Adm. Code 2030
- 3) Section Number: 2030.30                      Proposed Action:  
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 5-7 and 5-12 of the Boat Registration and Safety Act [625 ILCS 45/5-7 and 5-12]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to add Fox River – Chain O'Lakes (Lake and McHenry Counties) to the list of sites in Region II – Designated Restricted Boating Areas and to add language requiring compliance with the Fox Waterway Agency's user permit sticker regulations.
- 6) Published studies or reports, and sources of underlying data, used to compose 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 Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Stanley Yonkausk, Jr.  
Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2010

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER e: LAW ENFORCEMENT

## PART 2030

## DESIGNATION OF RESTRICTED WATERS IN THE STATE OF ILLINOIS

## Section

2030.10	General Regulations
2030.15	Designation of Restricted Waters by the Department of Natural Resources
2030.20	Region I – Designated Restricted Boating Areas
2030.30	Region II – Designated Restricted Boating Areas
2030.40	Region III – Designated Restricted Boating Areas
2030.50	Region IV – Designated Restricted Boating Areas
2030.60	Region V – Designated Restricted Boating Areas
2030.70	Riverboat Gambling Casinos – Designated Restricted Boating Areas
2030.80	Hazardous Navigation Conditions – Designated Restricted Boating Areas

**AUTHORITY:** Implementing and authorized by Sections 5-7 and 5-12 of the Boat Registration and Safety Act [625 ILCS 45/5-7 and 5-12].

**SOURCE:** Adopted at 5 Ill. Reg. 8763, effective August 25, 1981; codified at 5 Ill. Reg. 10617; amended at 9 Ill. Reg. 4789, effective April 2, 1985; amended at 11 Ill. Reg. 9519, effective May 5, 1987; emergency amendment at 12 Ill. Reg. 8745, effective May 15, 1988, for a maximum of 150 days; emergency expired September 20, 1988; emergency amendment at 12 Ill. Reg. 12111, effective July 6, 1988, for a maximum of 150 days; emergency expired December 12, 1988; amended at 12 Ill. Reg. 16707, effective September 30, 1988; amended at 12 Ill. Reg. 20472, effective November 28, 1988; corrected at 13 Ill. Reg. 967; emergency amendment at 13 Ill. Reg. 2878, effective February 21, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 12814, effective July 21, 1989; amended at 16 Ill. Reg. 8483, effective May 26, 1992; amended at 19 Ill. Reg. 7549, effective May 26, 1995; emergency amendment at 19 Ill. Reg. 11967, effective August 3, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 750, effective December 29, 1995; amended at 20 Ill. Reg. 7864, effective June 3, 1996; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 15692, effective December 2, 1996; amended at 23 Ill. Reg. 6822, effective May 20, 1999; amended at 27 Ill. Reg. 8871, effective May 19, 2003; amended at 29 Ill. Reg. 15550, effective September 27, 2005; amended at 30 Ill. Reg. 11576, effective June 23, 2006; emergency amendment at 31 Ill. Reg. 8348, effective May 25, 2007, for a maximum of

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

150 days; amended at 31 Ill. Reg. 14522, effective October 5, 2007; amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 2030.30 Region II – Designated Restricted Boating Areas**

- a) The following portions of the Calumet and Little Calumet Rivers are designated as Slow, No Wake areas:
  - 1) An area from the O'Brien Locks to the Michigan Central Railroad Bridge (approximately mile 326.5 to 325.3).
  - 2) An area around the Pier 11 Marina and the Lake Calumet Boat and Gun Club (approximately mile 323.2 to 323.1).
  - 3) An area around the Maryland Manor Boat Club, Skipper's Marina, and Rentner Marina (approximately mile 323.0 to 322.5).
  - 4) An Area around Triplex Marina (approximately mile 319.9 to 319.8).
- b) The following portions of the Des Plaines River are designated as Slow, No Wake areas:
  - 1) An area around the Bay Hill Marina, Wilmington, Illinois (approximately mile 273.7), extending 150 feet out into the river and 300 feet both upstream and downstream from the center of the Marina.
  - 2) An area around the Three Rivers Yacht Club, Wilmington, Illinois (approximately mile 273.7), extending 150 feet from the harbor entrance.
- c) The following portion of the Fox River is designated as a Slow, No Wake area:  
An area within 150 feet upstream and downstream of the I-90 bridge.
- d) The following portions of Lake Michigan are designated as No Boat areas:
  - 1) An area at North Point Marina, located off the northern breakwater, running the length of the beach parallel to the shoreline and 100 yards out into the lake.
  - 2) An area at Illinois Beach State Park, located between the park office and

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

the #3 bathhouse, running parallel to the shoreline and 70 yards out into the lake.

- e) It shall be unlawful to operate any watercraft with a motor larger than 10 horsepower on the waters of Griswold Lake in McHenry County.
- f) The following portions of the Kankakee River shall be designated as Slow, No Wake areas:
  - 1) An area 100 yards upstream and 100 yards downstream from the River Isle hairpin curve that is approximately midway between Momence, Illinois and the Indiana border.
  - 2) An area 100 yards upstream and 100 yards downstream of the hairpin curve created by the east side of Rudecki Island, which is approximately one mile west of River Isle.
- g) Fox River-Chain O'Lakes (Lake and McHenry Counties) User Permit Sticker regulations promulgated in accordance with the Illinois Administrative Procedure Act [5 ILCS 100] under the authority of the Fox Waterway Agency are in full force and effect on those public waters under their jurisdiction. Failure to comply with those regulations constitutes a violation of this Section. Statewide regulations shall be in effect with no other Sections of this Part applicable.

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

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

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

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1305  
RACE TRACK OPERATORS AND THEIR DUTIES

Section	
1305.10	Definition of Race Track Operator
1305.20	Application
1305.30	Time for Filing Applications
1305.40	Conditions of License
1305.45	Lease of Race Track (Repealed)
1305.50	Written Disclosure
1305.55	Written Disclosure for Corporations
1305.60	Notice of Changes
1305.70	Political Contributions (Repealed)
1305.80	Termination of License
1305.90	Wagering On Races Conducted off of Premises
1305.100	Reciprocal Suspensions
1305.110	Horse Ambulance
1305.120	Ambulance of Racing Strip (Repealed)
1305.130	First Aid Station (Repealed)
1305.140	Emergency Medical Services
1305.150	Illinois Racing Board Office
1305.170	Moving Office (Repealed)
1305.180	Judges' Stand
1305.190	Drivers' Bench
1305.200	Stabling of Horses
1305.220	Stall Numbers and Distance Poles
1305.230	Licensed Outrider
1305.240	Drinking Fountains and Rest Rooms
1305.250	Telephones
1305.260	Broadcasting and Telecasting
1305.270	Pest Control
1305.280	Alcohol Sales
1305.290	Track Lights
1305.300	Fire Prevention

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

1305.310	Backstretch Paging System
1305.320	Admissions (Repealed)
1305.330	Inspection Report
1305.340	Lottery Events at Race Tracks <u>(Repealed)</u>
1305.350	Off-Track Betting Agencies of Other States
1305.370	Reporting of Horsemen's Purse Account
1305.380	Notification of Change

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); amended October 9, 1973, filed October 19, 1973; amended October 25, 1973, filed December 17, 1973; amended February 15, 1974, filed February 28, 1974; amended October 25, 1974, filed November 7, 1974; added May 9, 1975, filed May 15, 1975; amended August 21, 1976, filed August 21, 1976, filed August 30, 1976; amended at 2 Ill. Reg. 27, p. 275, effective July 10, 1978; amended at 4 Ill. Reg. 21, p. 85, effective May 9, 1980; codified at 5 Ill. Reg. 10923; amended at 6 Ill. Reg. 11063, effective September 1, 1982; amended at 9 Ill. Reg. 9165, effective May 30, 1985; amended at 14 Ill. Reg. 17661, effective October 16, 1990; amended at 14 Ill. Reg. 20052, effective December 4, 1990; amended at 17 Ill. Reg. 3034, effective February 23, 1993; emergency amendment at 23 Ill. Reg. 7776, effective June 28, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13939, effective November 2, 1999; amended at 28 Ill. Reg. 6596, effective April 19, 2004; amended at 28 Ill. Reg. 11260, effective August 1, 2004; amended at 29 Ill. Reg. 8413, effective June 1, 2005; amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1305.340 Lottery Events at Race Tracks (Repealed)**

- a) ~~No race track operator shall, without the prior approval of the Board, enter into or implement any agreement with the Illinois Lottery Control Board providing for:
  - 1) ~~Selection of the winner of any lottery prize by a method which depends, in whole or in part, upon the results of a race conducted at a licensed meeting, or~~
  - 2) ~~The conduct of any lottery drawing or the award of any lottery prize at a licensed meeting.~~~~
- b) ~~Any race track operator seeking Board approval of an agreement with the Illinois Lottery Control Board shall submit a copy of such proposed agreement together with said request and shall supply such other information concerning the proposed~~

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

~~lottery event as the Board may require.~~

(Source: Repealed at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

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

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

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING

PART 1407  
LICENSE AND APPLICATIONS; ASSOCIATION LICENSES  
(THOROUGHBRED)

## Section

1407.10	Application for Association License
1407.13	Application Deadline
1407.16	Formal Acceptance
1407.18	Application Withdrawal
1407.20	Enforce Rules and Regulations
1407.24	Notice of Changes
1407.28	Lease of Race Track (Repealed)
1407.40	Minimum Purse Required for License
1407.50	Amount of Purse
1407.52	Admissions (Repealed)
1407.53	Inspection Report
1407.54	Licensed Concessionaire
1407.56	Lottery Events at Race Tracks <b>(Repealed)</b>
1407.58	Off-Track Betting Agencies of Other States
1407.59	Reporting of Horsemen's Purse Account

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); amended October 9, 1973, filed October 19, 1973; amended October 25, 1973, filed December 17, 1973; amended January 11, 1974, filed January 21, 1974; amended October 25, 1974, filed November 7, 1974; amended May 9, 1975, filed May 15, 1975; amended August 21, 1976, filed August 30, 1976; codified at 5 Ill. Reg. 10968; amended at 6 Ill. Reg. 11063, effective September 1, 1982; amended at 28 Ill. Reg. 6601, effective April 19, 2004; amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1407.56 Lottery Events at Race Tracks **(Repealed)****

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

- a) ~~No race track operator shall, without the prior approval of the Board, enter into or implement any agreement with the Illinois Lottery Control Board providing for:~~
- 1) ~~Selection of the winner of any lottery prize by a method which depends, in whole or in part, upon the results of a race conducted at a licensed meeting, or~~
  - 2) ~~The conduct of any lottery drawing or the award of any lottery prize at a licensed meeting.~~
- b) ~~Any race track operator seeking Board approval of an agreement with the Illinois Lottery Control Board shall submit a copy of such proposed agreement together with said request and shall supply such other information concerning the proposed lottery event as the Board may require.~~

(Source: Repealed at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: School Bus Driver Permit
- 2) Code Citation: 92 Ill. Adm. Code 1035
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1035.10	Amendment
1035.35	Amendment
1035.46	New Section
- 4) Statutory Authority: 625 ILCS 5/2-104; 625 ILCS 5/1-182, 625 ILCS 5/6-106.1
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements Public Act 096-0089 that allows for the Secretary of State to defer the expiration of a school bus permits for those persons serving active duty in the United States Military and Public Act 096-0818 which requires the Secretary of State to suspend the school bus permit of a school bus permit holder who fails to complete required school bus inspections.
- 6) Published studies or reports, and sources of underlying data, used to compose 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 Objective: The rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Text of the prepared amendments is posted on the Secretary of State's website, [www.sos.il.us/departments/index/home](http://www.sos.il.us/departments/index/home) as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Arlene J. Pulley

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

Office of the Secretary of State  
Driver Services Department  
2701 South Dirksen Parkway  
Springfield, Illinois 62723  
217-557-4462

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: School bus companies and school districts
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: the need for this rulemaking was not anticipated at the time the agendas were prepared.

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

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1035  
SCHOOL BUS DRIVER PERMIT

## Section

1035.10	Definitions
1035.15	Requirements of Applicants for a School Bus Driver Permit
1035.20	Annual Medical Examination and Certificate
1035.25	Permit Application Process
1035.30	Training
1035.32	Random Drug Testing for Alcohol and Controlled Substances
1035.35	Denial, Cancellation, or Suspension of a School Bus Driver Permit
1035.40	Notice
1035.45	Employer Responsibility
<a href="#">1035.46</a>	<a href="#">Military Deferrals</a>
1035.50	Hearings

AUTHORITY: Implementing Section 6-106.1 and authorized by Section 6-521 of the Illinois Vehicle Code [625 ILCS 5/6-521].

SOURCE: Adopted at 19 Ill. Reg. 10716, effective July 11, 1995; amended at 24 Ill. Reg. 1269, effective January 10, 2000; amended at 24 Ill. Reg. 12092, effective July 31, 2000; amended at 26 Ill. Reg. 12045, effective July 22, 2002; amended at 33 Ill. Reg. 17093, effective December 1, 2009; amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1035.10 Definitions**

For purposes of this Part, the following definitions shall apply:

"Active Duty" – active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor (IVC Section 6-106.1(j)).

"Adulterated Specimen" – a urine specimen that contains a substance not expected to be present in human urine, or contains a substance expected to be present, but is at a concentration so high that it is not consistent with human urine (see 49 CFR 40.3 (2008)).

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"Cancellation" – the cancellation of a school bus driver permit – the annulment or termination by formal action of the Secretary of State of a person's school bus driver permit because of some error or defect in the permit, because the permit holder is no longer entitled to the permit, refusal or neglect of the person to submit to an alcohol and drug evaluation or submit to or fail to successfully complete the examination, in accordance with IVC Sections 1-110, 6-106.1 and 6-207.

"Chain of Custody" – a procedure used to document the handling of the urine specimen from the time the employee gives the specimen to the collector until the specimen is destroyed. This procedure uses the Federal Drug Testing Custody and Control Form (see 49 CFR 40 (2008)).

"Chain of Custody Form" or "CCF" – an employer copy of the Federal Drug Testing Custody and Control Form used to notify the employer that the applicant has taken a split specimen test and the results of that test.

"Collector" – a person who instructs and assists employees at a collection site, who receives and makes an initial inspection of the specimen provided by those employees and who initiates and completes the CCF.

"Conviction" – an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law, by a court of original jurisdiction or by an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; a plea of guilty or nolo contendere accepted by the court; the payment of a fine or court cost, regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended or probated pursuant to IVC Section 6-500(8).

"Denial" – to prohibit or disallow the privilege to obtain a school bus driver permit and/or the privilege to operate a school bus in accordance with IVC Section 6-106.1.

"Dilute Specimen" – a urine specimen with creatinine and specific gravity values that are lower than expected for human urine pursuant to 49 CFR 40.3.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"Disqualification" – *a withdrawal of the privilege to drive a commercial motor vehicle* [625 ILCS 5/1-115.3].

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

"Employer" – any public or private school district, individual, corporation, partnership or association who employs school bus drivers licensed pursuant to IVC Section 6-106.1.

"Employer Certification/Notification" – a form prescribed by the Secretary of State and submitted by the employer that certifies an applicant has met all pre-employment conditions and all conditions for reapplication, or that a driver who is no longer eligible for a school bus driver permit has been removed from service.

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

"Hearing" – a hearing conducted by the Secretary of State, pursuant to IVC Sections 2-118 and 6-106.1, upon written request of the driver or applicant.

"Home State" – the States of Indiana, Michigan, Wisconsin, Iowa, Missouri and Kentucky, when they have issued a valid and properly classified driver's license.

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

"Initial Training" – an initial training class, including first aid procedures, in school bus safety administered by the Illinois State Board of Education through the Regional Office of Education and approved by the Secretary of State pursuant to IVC Section 6-106.1. Initial training will provide sufficient practical behind-the-wheel instruction.

"Lapse" – a period of time following the expiration of a driver's license or school bus driver permit in which the driver can renew or reapply without penalty.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"Medical Examination" – a physical examination by a medical examiner that includes tests for drug and alcohol use and the medical qualifications needed to drive a school bus.

"Medical Examiner" – a person who is a licensed physician, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes him or her to perform medical examinations, or a physician assistant who has been delegated the performance of medical examinations by his or her supervising physician.

"Medical Examiner's Certificate" – a form, developed by the Secretary of State, upon which a medical examiner records the results of a physical examination and certifies whether a person is qualified to apply for a school bus driver permit.

"Medical Review Officer" or "MRO" – a person who is a licensed physician and is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results (see 49 CFR 40.3 (2008)).

["Military Order" – official military documents that indicate the date the school bus driver permit holder will be called to active duty and the expected date the permit holder will return from active duty.](#)

"Miscellaneous Suspension" – a safety and family financial responsibility suspension, unsatisfied judgment suspension, auto emissions suspensions, parking ticket suspension, failure to appear suspension, failure to pay toll suspension, nighttime driving restriction suspension, and all suspensions that are rescinded and are no longer in effect.

"Pre-Employment Conditions" – an applicant must have been interviewed by the prospective employer; completed a school bus driver permit application and prescribed medical report form; successfully passed a physical examination; successfully completed a fingerprint-based Illinois specific background check with fingerprints forwarded to the FBI for a national background check; and received the required initial training.

"Provisional Status" – the temporary privilege to operate a school bus pending completion of the FBI criminal background check.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"Random Testing" – a drug and/or alcohol test having no specific time pattern.

"Refresher Course" – a classroom course in school bus safety approved by the Secretary of State. Refresher training courses shall be a minimum of 2 hours in length, part of which must be first aid training, taught by an instructor certified by the Illinois State Board of Education under 23 Ill. Adm. Code 1.515.

"Repeatedly Convicted of Offenses against Laws and Ordinances Regulating the Movement of Traffic" – a driver for whom an order has been entered to suspend or revoke a license or permit under IVC Section 6-206(a)(3).

"Repeatedly Involved as a Driver in Motor Vehicle Collisions" – a driver for whom an order has been entered to suspend or revoke a license or permit under IVC Section 6-206(a)(3).

"Rescind Order" – a removal by formal action of an order canceling, suspending or denying issuance of a school bus permit.

"Review of Driving Records" – a review of the applicant's driving record maintained by the Secretary of State or documentation from another licensing jurisdiction, which has been certified within 30 days prior to the date of application, to insure that the requirements of IVC Sections 6-106(1), (2), (3), (9), (10), (11), (12), (13) and (14) have been met.

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

*Any public or private primary or secondary school;*

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

*Any public, private or religious nursery school.*

*This definition shall not include the following:*

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

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

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

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

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

*A motor vehicle of the first division.*

*A motor vehicle designed for the transportation of not fewer than seven nor more than 16 persons that is operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not more than 15 students to and from interscholastic athletic or other interscholastic or school sponsored activities. ~~[625 ILCS 5/1-182]~~[\[615 ILCS 5/1-182\]](#)*

["School Bus Driver Active Duty Form" – the form submitted by an employer as notification of the date the school bus permit holder is placed on active military duty.](#)

["School Bus Driver Inactive Status" – status of school bus permit while the school bus permit holder is on active military duty.](#)

"School Bus Driver Permit" – permit issued for a period of one year to school bus drivers by the Office of the Secretary of State pursuant to IVC Section 6-106.1.

"School Bus Driver Permit Application" – the form or document prescribed by the Secretary of State upon which a request for a school bus driver permit is made.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

["School Bus Driver Return From Active Duty Form" – the form submitted by employer as notification of the date the school bus driver permit holder returned from active duty.](#)

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

"Serious Traffic Violation" – notwithstanding convictions that in and of themselves result in the immediate suspension or revocation of a driver's license and privilege, the following offenses or a similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, shall be considered a serious traffic violation:

A conviction, when operating a motor vehicle, for a violation of or relating to:

IVC Section 11-402(a) – a motor vehicle accident involving damage to a vehicle;

IVC Section 11-403 – failure to stop and exchange information after a motor vehicle collision, property damage only;

IVC Section 11-502(a) – illegal transportation, possession or carrying of alcoholic liquor within the passenger area of any vehicle;

IVC Section 6-101 – operating a motor vehicle without a valid license or permit;

IVC Section 11-403 – failure to stop and exchange information or give aid after a motor vehicle collision involving personal injury or death;

Excessive speeding – a single speeding charge of 15 miles per hour or more above the legal speed limit;

IVC Section 11-503 – Reckless driving;

IVC Section 11-707(d) – passing in a no-passing zone; or IVC Section 11-1414 – passing a stopped school bus;

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

IVC Section 11-1402(b) – limitations on backing upon a controlled access highway;

IVC Section 11-707(b) – driving on the left side of a roadway in a no-passing zone;

IVC Section 11-1002(e) – failure to yield the right-of-way to a pedestrian at an intersection;

IVC Section 11-1008 – failure to yield to a pedestrian on a sidewalk;

IVC Sections 11-1201 and 11-1202 – failure to stop for an approaching railroad train or signal;

Any State law or local ordinance relating to motor vehicle traffic control, other than parking violations, arising in connection with a fatal traffic accident;

IVC Section 6-501 – having multiple driver's licenses;

IVC Section 6-507(a) – the requirement to have a valid CDL;

Improper or erratic traffic lane changes;

Following another vehicle too closely;

IVC Section 6-104(d) – possession of a valid school bus permit;

IVC Section 11-605 – school speed zones;

Any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than parking violations, that the Secretary of State determines by administrative rule to be serious.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"Service Member" – a member of the Armed Services or reserve forces of the United States or a member of the Illinois National Guard (IVC Section 6-106.1(j)).

"Specimen Bottle" – the bottle that, after being sealed and labeled according to the procedures in this Part, is used to hold the urine specimen during transportation to the laboratory (see 49 CFR 40.3 (2008)).

"Split Specimen" – in drug testing, a part of the urine specimen sent to a first laboratory and retained unopened, and that is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result (see 49 CFR 40.3 (2008)).

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

"Substituted Specimen" – a specimen with creatinine and specific gravity values so diminished that they are not consistent with human urine.

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

"Suspension of School Bus Driver Permit" – the temporary withdrawal, by formal action by the Secretary of State, of a person's permit that grants and specifies limited privileges to operate a school bus on the public highways, for a period specifically designated by the Secretary of State.

"Waiver" – an exemption allowed under certain conditions rendering an ineligible applicant eligible.

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1035.35 Denial, Cancellation, or Suspension of a School Bus Driver Permit**

- a) The Secretary of State shall deny or cancel a school bus driver permit of an

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

applicant:

- 1) whose criminal background investigation discloses that he or she is not in compliance with any of the provisions of IVC Section 6-106.1(a);
  - 2) upon receiving notice that the permit holder fails to comply with any provision of this Part;
  - 3) upon receiving notice that the permit holder's restricted commercial driving permit or commercial driving privileges are withdrawn or otherwise invalidated;
  - 4) upon receiving notice that the permit holder has been convicted of 2 serious violations during the duration of the permit.
- b) The Secretary of State shall suspend a school bus driver permit for a period of 3 years upon receiving notice that the holder has failed to obtain a negative result on a drug test as required by IVC Section 6-106.1 or under 49 CFR 382.303, 382.305, 382.307 and 382.309 (2008).
- c) The Secretary of State shall deny an applicant for a school bus driver permit for a period of 3 years who fails to obtain a negative result on a drug test as required by IVC Section 6-106.1 or under 49 CFR 382.301 (2008).
- d) The Secretary of State shall deny an applicant or re-applicant for a school bus driver permit upon an indication on a driving record that he or she has failed to pay any fines, costs or fees that deny the renewal or reissuance of a driver's license or any other indication on a driving record that denies the renewal or reissuance of a driver's license.
- e) A cancellation of a school bus driver permit shall remain in effect pending the outcome of a hearing pursuant to IVC Section 2-118.
- f) An order may be rescinded provided the cause is removed and the applicant continues to meet the requirements outlined in IVC Section 6-106.1(a).
- g) The Secretary shall suspend a school bus driver permit for a period of three years upon receiving notice from the employer that the holder has failed to perform the inspections required by IVC Section 12-816.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1035.46 Military Deferrals**

- a) Any school bus permit holder who is a service member called to active duty and who wishes to defer the expiration of his or her school bus permit must provide his or her employer with a copy of his or her military order.
- b) Within 30 days after receipt of the military order, the employer shall notify the Secretary that the school bus permit holder has been called to active duty by submitting the school bus driver active duty form to the Secretary. If the service member's active duty is extended, and the employer is so notified by the school bus permit holder, the employer shall notify the Secretary of the extension by submitting a second school bus driver active duty form.
- c) Upon receipt of the school driver bus driver active duty form, the Secretary shall place the school bus permit in inactive status.
- d) Upon return from active duty, the employer shall notify the Secretary of the school bus permit holder's return by submitting a school bus driver return from active duty form.
- e) Within 90 days after return from activity military duty, the school bus driver permit holder shall renew the school bus permit by obtaining a physical examination, as set forth in Section 1035.20, and completing a refresher course, as required by Section 1035.30.

(Source: Added at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Infertility Coverage
- 2) Code Citation: 50 Ill. Adm. Code 2015
- 3) Section Number: 2015.30                      Adopted Action:  
Amendment
- 4) Statutory Authority: Implementing Section 356m of the Illinois Insurance Code [215 ILCS 5/356m] and Section 5-3 of the Health Maintenance Organization Act [215 ILCS 125/5-3] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401]
- 5) Effective Date of Rulemaking: February 11, 2010
- 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 principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 33 Ill. Reg. 14927; November 6, 2009
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: At JCAR's request, the subchapter designation was corrected from "I: PROVISIONS APPLICABLE TO ALL COMPANIES" to "Z: ACCIDENT AND HEALTH INSURANCE", and several stylistic and paragraph format changes were made.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of rulemaking: Section 356m of the Illinois Insurance Code provides coverage for the diagnosis and treatment of infertility, which it defines as "the

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENT

inability to conceive after one year of unprotected sexual intercourse or the inability to sustain a successful pregnancy". [215 ILCS 5/356m] Section 356m does not require a woman to actually engage in unprotected sexual intercourse in order to be diagnosed as infertile. However, the Department has learned that insurance companies deny coverage for the diagnosis and treatment of infertility if a woman is unable to demonstrate that she first engaged in at least one year of actual, unprotected sexual intercourse. The plain language of section 356m does not allow the preclusion of coverage just because a woman is unable to conceive after engaging in medically-based and supervised methods of conception, such as artificial insemination, or cannot engage in unprotected sexual intercourse due to a medical condition affecting her or her partner such as arthritis, chronic obstructive pulmonary disease, diabetes, coronary artery disease, high blood pressure, kidney disease, erectile dysfunction, or prostatic enlargement.

This rulemaking clarifies the definition of "infertility" to conform the rule to section 356m of the statute and ensures coverage when a woman's physician determines that medically-based and supervised methods of conception have failed and are not likely to lead to a successful pregnancy. Section 356m requires this determination without regard to whether a woman has engaged in unprotected sexual intercourse. This amendment complements an existing clause in the definition of "infertility" that ensures coverage for a woman whose medical condition renders her unable to conceive through unprotected sexual intercourse.

This rulemaking also amends the definition of "unprotected sexual intercourse" by stating that unprotected sexual intercourse should include appropriate measures to ensure the health and safety of sexual partners.

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

Andrew Stolfi  
Staff Attorney  
Department of Insurance  
100 West Randolph Street, 9<sup>th</sup> Floor  
Chicago, Illinois

312/814-1835 (phone)  
312/814-5416 (fax)

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

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENT

## TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF ~~INSURANCE~~ ~~FINANCIAL AND PROFESSIONAL~~  
~~REGULATION~~

## SUBCHAPTER Z: ACCIDENT AND HEALTH INSURANCE

## PART 2015

## INFERTILITY COVERAGE

## Section

2015.10	Purpose
2015.20	Applicability and Scope
2015.30	Definitions
2015.35	Benefit Limitation/Oocyte Retrieval Limitation
2015.40	Oocyte Retrieval Limitation (Repealed)
2015.43	Donor Expenses
2015.50	Minimum Benefit Standards
2015.60	Permissible Exclusions

**AUTHORITY:** Implementing Section 356m of the Illinois Insurance Code [215 ILCS 5/356m] and Section 5-3 of the Health Maintenance Organization Act [215 ILCS 125/5-3] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

**SOURCE:** Adopted at 17 Ill. Reg. 8170, effective May 20, 1993; amended at 28 Ill. Reg. 12992, effective September 9, 2004; amended at 34 Ill. Reg. 2811, effective February 11, 2010.

**Section 2015.30 Definitions**

Artificial Insemination ~~or (AI)~~ means the introduction of sperm into a woman's vagina or uterus by noncoital methods, for the purpose of conception.

Assisted Reproductive Technologies ~~or (ART)~~ means treatments and/or procedures in which the human oocytes and/or sperm are retrieved and the human oocytes and/or embryos are manipulated in the laboratory. ART shall include prescription drug therapy used during the cycle where an oocyte retrieval is performed.

Donor means an oocyte donor or sperm donor.

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENT

Embryo means a fertilized egg that has begun cell division and has completed the pre-embryonic stage.

Embryo Transfer means the placement of the pre-embryo into the uterus or, in the case of zygote intrafallopian tube transfer, into the fallopian tube.

Gamete means a reproductive cell. In a man, the gametes are sperm; in a woman, they are eggs or ova.

Gamete Intrafallopian Tube Transfer ~~or (GIFT)~~ means the direct transfer of a sperm/egg mixture into the fallopian tube. Fertilization takes place inside the tube.

Infertility means the inability to conceive after one year of unprotected sexual intercourse or the inability to sustain a successful pregnancy. [For purposes of this Part, a woman shall be considered infertile without having to engage in one year of unprotected sexual intercourse if ~~in the event~~ a physician determines that:](#)

a medical condition exists that renders conception impossible through unprotected sexual intercourse, including but not limited to congenital absence of the uterus or ovaries, absence of the uterus or ovaries due to surgical removal due to a medical condition, or involuntary sterilization due to chemotherapy or radiation treatments; ~~or,~~

[efforts to conceive as a result of one year of medically based and supervised methods of conception, including artificial insemination, have failed and are ~~not likely to lead to a successful pregnancy~~ ~~the one year requirement shall be waived.~~](#)

Infertility Coverage means insurance or health maintenance organization coverage required by Section 356m of the Illinois Insurance Code [215 ILCS 5/356m] for the diagnosis and treatment, including prescription drug therapy, of infertility.

In Vitro Fertilization ~~or (IVF)~~ means a process in which an egg and sperm are combined in a laboratory dish where fertilization occurs. The fertilized and dividing egg is transferred into the woman's uterus.

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENT

Low Tubal Ovum Transfer means the procedure in which oocytes are transferred past a blocked or damaged section of the fallopian tube to an area closer to the uterus.

Oocyte means the female egg or ovum, formed in an ovary.

Oocyte Donor means a woman determined by a physician to be capable of donating eggs in accordance with the standards recommended by the American Society for Reproductive Medicine.

Oocyte Retrieval means the procedure by which eggs are obtained by inserting a needle into the ovarian follicle and removing the fluid and the egg by suction. Also called ova aspiration.

Pregnancy Related Benefit means benefits that cover any related medical condition that may be associated with pregnancy, including complications of pregnancy.

Surrogate means a woman who carries a pregnancy for a woman who has infertility coverage.

Unprotected Sexual Intercourse [should include appropriate measures to ensure the health and safety of sexual partners and](#) means sexual union between a male and a female, without the use of any process, device or method that prevents conception, including but not limited to oral contraceptives, chemicals, physical or barrier contraceptives, natural abstinence or voluntary permanent surgical procedures.

Uterine Embryo Lavage means a procedure by which the uterus is flushed to recover a preimplantation embryo.

Zygote means a fertilized egg before cell division begins.

Zygote Intrafallopian Tube Transfer ~~or (ZIFT)~~ means a procedure by which an egg is fertilized in vitro and the zygote is transferred to the fallopian tube at the pronuclear stage before cell division takes place. The eggs are harvested and fertilized on one day and the embryo is transferred at a later time.

(Source: Amended at 34 Ill. Reg. 2811, effective February 11, 2010)

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Jockeys, Apprentices, Jockey Agents, and Valets
- 2) Code Citation: 11 Ill. Adm. Code 1411
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1411.100	Amend
1411.110	Repeal
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: February 12, 2010
- 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 central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 33 Ill. Reg. 8153; June 19, 2009
- 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 letter issued by JCAR? No changes were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: This rulemaking amends Section 1411.100 by replacing the previous text with the Association of Racing Commissioners model rule regarding riding crops. Section 1411.110 is repealed because the model rule includes the language previously found in Section 1411.110.
- 16) Information and questions regarding these adopted amendments shall be directed to:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

Mickey Ezzo  
Illinois Racing Board  
100 West Randolph, Suite 7-701  
Chicago, Illinois 60601

312/814-5017

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

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING  
(THOROUGHBRED)

## PART 1411

## JOCKEYS, APPRENTICES, JOCKEY AGENTS, AND VALETS

## Section

1411.5	Colors Worn by Riders
1411.10	Jockey Fees (Repealed)
1411.20	Paying Fines
1411.30	Jockey Ownership of Horse
1411.40	Under Suspension
1411.50	Betting By Jockey
1411.60	Record of Jockey Betting
1411.65	Interrogation by Stewards
1411.70	Racing Against Employer's Starter
1411.72	Spouses Riding Against Each Other (Repealed)
1411.75	Owner or Trainer As Spouse
1411.78	Racing Against Agent's Horse
1411.80	Priority of Retainers
1411.90	Conflicting Claims on Jockeys
1411.100	<del>Riding Crops and Other Equipment Whips, Length and Kind</del>
1411.110	Illegal Whipping (Repealed)
1411.120	Leaving Operating Track
1411.130	Jockey Rules Apply to Apprentices
1411.140	Apprentice Rule
1411.150	Change of Agent
1411.160	Rough or Careless Riding
1411.170	Yearly Examination
1411.180	Examination Because of Illness
1411.190	Jockey's Valet
1411.195	Valet's Fees (Repealed)
1411.200	Record of Jockey Engagements by Agent
1411.210	Falsifying Engagement Records
1411.220	Agent Barred from Paddock and Track
1411.230	Engagements Made Through Agent

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

1411.240 Safety Equipment  
1411.250 Designated Races

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); codified at 5 Ill. Reg. 10977; amended at 7 Ill. Reg. 1423, effective January 24, 1983; amended at 17 Ill. Reg. 12426, effective July 15, 1993; amended at 17 Ill. Reg. 21852, effective December 3, 1993; amended at 18 Ill. Reg. 2092, effective January 21, 1994; amended at 19 Ill. Reg. 12687, effective September 1, 1995; amended at 21 Ill. Reg. 3226, effective March 4, 1997; amended at 22 Ill. Reg. 5076, effective March 1, 1998; amended at 34 Ill. Reg. 2816, effective February 12, 2010.

**Section 1411.100 Riding Crops and Other Equipment ~~Whips, Length and Kind~~**

- a) Riding Crops  
All riding crops are subject to inspection and approval by the Stewards and the Clerk of Scales.
- 1) Riding crops shall have a shaft and a flap and will be allowed in flat racing, including training, only as follows:
- A) Maximum weight of eight ounces;
  - B) Maximum length, including flap, of 30 inches;
  - C) Minimum diameter of the shaft of one-half inch; and
  - D) Smooth shaft contact area, with no protrusions or raised surface, covered by shock absorbing material that gives a compression factor of at least one millimeter throughout its circumference.
- 2) The flap is the only allowable attachment to the shaft and must meet the following specifications:
- A) Length beyond the end of the shaft – maximum of one inch;
  - B) Width – a minimum of 0.8 inch and a maximum of 1.6 inches;

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- C) No reinforcements or additions beyond the end of the shaft;
  - D) No binding within seven inches of the end of the shaft; and
  - E) Shock absorbing characteristics similar to those required by subsection (a)(1)(D).
- 3) Although the use of a riding crop is not required, any jockey who uses a riding crop during a race shall do so only in a manner consistent with exerting his or her best efforts to win.
- 4) In all races in which a jockey will ride without a riding crop, an announcement of that fact shall be made over the public address system.
- 5) Riding crops shall not be used on two year old horses before April 1 of each year.
- 6) The riding crop shall only be used for safety, correction and encouragement.
- 7) All riders shall comply with the following when using a riding crop:
- A) Showing the horse the riding crop and giving it time to respond before striking the horse;
  - B) After using the riding crop, giving the horse a chance to respond before using it again; and
  - C) Using the riding crop in rhythm with the horse's stride.
- 8) Prohibited use of the riding crop includes, but is not limited to, striking a horse:
- A) on the head, flanks or any other part of its body other than the shoulders or hindquarters, except when necessary to control a horse;

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- B) during the post parade or after the finish of the race, except when necessary to control the horse;
  - C) excessively or brutally causing welts or breaks in the skin;
  - D) when the horse is clearly out of the race or has obtained its maximum placing;
  - E) persistently, even though the horse is showing no response under the riding crop; or
  - F) striking another rider or horse.
- 9) After the race, horses will be subject to inspection by a racing official or veterinarian looking for cuts, welts or bruises in the skin. Any adverse findings shall be reported to the Stewards.
- b) Other Equipment
  - 1) No bridle shall exceed two pounds.
  - 2) A horse's tongue may be tied down with clean bandages, gauze or a tongue strap.
  - 3) No licensee may add blinkers to a horse's equipment or discontinue their use without the prior approval of the Starter.
  - 4) No electrical or mechanical device or other expedient designed to increase or retard the speed of a horse, other than the riding crop approved by the Stewards, shall be possessed by anyone, or applied by anyone, to the horse at any time on the grounds of the association during the meeting, whether in a race or otherwise.
- c) The giving of instructions by any licensee that, if obeyed, would lead to a violation of this Section may result in disciplinary action being taken against the licensee who gave the instructions, as well as the person who took, or failed to take, the action.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

~~Jockey whips shall be no longer than 28 inches with one popper. No stingers (projections extending through a hole of the popper) are permitted.~~

(Source: Amended at 34 Ill. Reg. 2816, effective February 12, 2010)

**Section 1411.110 Illegal Whipping (Repealed)**

~~No jockey shall hit or clip a horse across or between the ears.~~

(Source: Repealed at 34 Ill. Reg. 2816, effective February 12, 2010)

## ILLINOIS RACING BOARD

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Advance Deposit Wagering (ADW)
- 2) Code Citation: 11 Ill. Adm. Code 325
- 3) 

<u>Section Numbers:</u>	<u>Emergency Action:</u>
325.60	New Section
325.70	New Section
- 4) Statutory Authority: Section 5/26(g) of the Illinois Horse Racing Act states that the Board shall adopt rules regarding advance deposit wagering on interstate simulcast races that shall reflect the General Assembly's desire to maximize revenues to the State, horsemen purses and organizational licensees. The General Assembly finds that the adoption of rules to regulate advance deposit wagering is deemed an emergency and necessary for the public interest, safety and welfare.
- 5) Effective Date of Emergency Amendments: February 3, 2010
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which they are to expire: The emergency rulemaking will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.
- 7) Date filed with the Index Department: February 3, 2010
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the Illinois Racing Board's central office and is available for public inspection.
- 9) Reason for Emergency: Section 5/26(g) of the Illinois Horse Racing Act states that the Board may adopt rules necessary to regulate advance deposit wagering through the use of emergency rulemaking in accordance with Section 5-45 of the Illinois Administrative Procedure Act. The General Assembly finds that the adoption of rules to regulate advance deposit wagering is deemed an emergency and necessary for the public interest, safety and welfare.
- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking is a consequence of Public Act 96-0762 (SB 1298). Section 5/26(g) of the Act requires the Board to adopt rules limiting the interstate commission fees charged to an ADW licensee. Interstate commission fees are the fees a racetrack in another state charges an

## ILLINOIS RACING BOARD

## NOTICE OF EMERGENCY AMENDMENTS

ADW licensee to broadcast, and accept wagers on, its signal. Section 325.60 provides that an organization licensee must provide its live signal to advance deposit wagering licensees for a simulcast fee not to exceed 8%. Section 325.70 prohibits any ADW licensee from receiving a signal if another ADW licensee has been unreasonably denied the same signal. Prior to establishing these emergency rules, the Board solicited testimony from all interested parties including ADW licensees, racetracks and horsemen's groups.

Certain language was inadvertently omitted from the emergency rules at 11 Ill. Code 325.60 and 325.70, effective January 1, 2010. Therefore, this corrected rulemaking will be implemented by emergency action on the same date as the emergency repeal.

- 11) Are there any proposed amendments pending on this Part: No
- 12) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 13) Information and questions regarding these emergency amendments shall be directed to:

Mickey Ezzo  
Illinois Racing Board  
100 West Randolph  
Suite 7-701  
Chicago, Illinois 60601

312/814-5017

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

## ILLINOIS RACING BOARD

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER a: GENERAL RULES

PART 325  
ADVANCE DEPOSIT WAGERING (ADW)

## Section

- 325.10 Definitions  
325.20 License to Conduct Advance Deposit Wagering  
325.30 Advance Deposit Wagering Rules  
325.40 Requirements to Establish an Advance Deposit Wagering Account  
325.50 Powers of the Board

325.60 Organization Licensee Simulcast Signals and Commission Fees

EMERGENCY

325.70 Interstate Simulcast Signals

EMERGENCY

AUTHORITY: Implementing and authorized by Section 26(g) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/26(g)].

SOURCE: Emergency rule adopted at 33 Ill. Reg. 12860, effective September 2, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 539, effective January 1, 2010; emergency amendment at 34 Ill. Reg. 581, effective January 1, 2010, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 34 Ill. Reg. 2761, effective February 3, 2010, for a maximum of 150 days; emergency amendment at 34 Ill. Reg. 2823, effective February 3, 2010, for a maximum of 150 days.

Section 325.60 Organization Licensee Simulcast Signals and Commission Fees

EMERGENCY

- a) All advance deposit wagering licensees shall televise or broadcast or display via the internet the simulcast signal of the live racing of all organization licensees and accept wagers on the live racing of all organization licensees.
- b) Advance deposit wagering licensees shall not be permitted to accept out-of-state wagers on any organization licensee's live racing signal without the approval and consent of the organization licensee providing the signal.

## ILLINOIS RACING BOARD

## NOTICE OF EMERGENCY AMENDMENTS

- c) The Board finds that, as a means to maximizing and supporting the highest simulcast commission rates charged to out-of-state entities by all organization licensees and therefore maximize revenues to horsemen's purse accounts and organization licensees, and to establish commission and purse splits consistent with existing wagering facility revenue divisions, all organization licensees shall provide their live racing simulcast signal to all advance deposit wagering licensees for a simulcast commission fee not to exceed 8%.

(Source: Added by emergency rulemaking at 34 Ill. Reg. 2823, effective February 3, 2010, for a maximum of 150 days)

**Section 325.70 Interstate Simulcast Signals**  
**EMERGENCY**

The Board finds that, as a means of maximizing revenues to the State, horsemen's purses, and organization licensees, the Board may prohibit any advance deposit wagering licensee from receiving a signal from any out-of-state racetrack if it finds that another Illinois advance deposit wagering licensee has been unreasonably denied the same interstate simulcast signal.

(Source: Added by emergency rulemaking at 34 Ill. Reg. 2823, effective February 3, 2010, for a maximum of 150 days)

## DEPARTMENT OF HUMAN SERVICES

NOTICE OF WITHDRAWAL TO MEET THE OBJECTION OF THE  
JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
112.9	Withdrawal
112.65	Withdrawal
112.69	Withdrawal
112.127	Withdrawal
112.150	Withdrawal
112.151	Withdrawal
112.152	Withdrawal
112.153	Withdrawal
112.305	Withdrawal
112.307	Withdrawal
- 4) Date Notice of Proposed Amendments Published in the Illinois Register: April 10, 2009; 33 Ill. Reg. 5201
- 5) Date JCAR Statement of Objection and Filing Prohibition Published in the Register: October 2, 2009; 33 Ill. Reg. 13946
- 6) Summary of Action Taken by the Agency: At its meeting on January 12, 2010, the Joint Committee on Administrative Rules withdrew the Prohibition against the filing of this Department of Human Services' rulemaking contingent upon and effective with DHS' filing of a Notice of Withdrawal of the rulemaking with the Secretary of State. In response, the Department is withdrawing the proposed rulemaking effective February 10, 2010.

## DEPARTMENT OF HUMAN SERVICES

NOTICE OF WITHDRAWAL TO MEET THE OBJECTION OF THE  
JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: General Assistance
- 2) Code Citation: 89 Ill. Adm. Code 114
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
114.9	Withdrawal
114.223	Withdrawal
114.250	Withdrawal
114.251	Withdrawal
114.252	Withdrawal
114.408	Withdrawal
- 4) Date Notice of Proposed Amendments Published in the Illinois Register: April 10, 2009; 33 Ill. Reg. 5228
- 5) Date JCAR Statement of Objection and Filing Prohibition Published in the Register: October 2, 2009; 33 Ill. Reg. 13947
- 6) Summary of Action Taken by the Agency: At its meeting on January 12, 2010, the Joint Committee on Administrative Rules withdrew the Prohibition against the filing of this Department of Human Services' rulemaking contingent upon and effective with DHS' filing of a Notice of Withdrawal of the rulemaking with the Secretary of State. In response, the Department is withdrawing the proposed rulemaking effective February 10, 2010.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION  
TO PROPOSED RULEMAKING

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Heading of the Part: Placement and Visitation Services

Code Citation: 89 Ill. Adm. Code 301

Section Numbers: 301.40  
301.90  
301.120

Date Originally Published in the Illinois Register: 7/10/09  
33 Ill. Reg. 9548

At its meeting on 2/9/10, the Joint Committee on Administrative Rules objected to the Department of Children and Family Services' failure to adopt its rulemaking titled Placement and Visitation Services (89 Ill. Adm. Code 301; 33 Ill. Reg. 9548) by the 7/1/07 date mandated in PA 94-1010.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

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 February 9, 2010 through February 16, 2010 and have been scheduled for review by the Committee at its March 9, 2010 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>
3/24/10	<u>Pollution Control Board</u> , Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)	11/20/09 33 Ill. Reg. 16399	3/9/10
3/24/10	<u>Pollution Control Board</u> , Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)	11/20/09 33 Ill. Reg. 16460	3/9/10
3/25/10	<u>Department of Labor</u> , Health and Safety (56 Ill. Adm. Code 350)	10/30/09 33 Ill. Reg. 14657	3/9/10
3/25/10	<u>Department of Labor</u> , Toxic Substances Disclosure to Employees (Repealer) (56 Ill. Adm. Code 205)	11/13/09 33 Ill. Reg. 15322	3/9/10
3/26/10	<u>Department of Financial and Professional Regulation</u> , Pharmacy Practice Act (Repealer) (68 Ill. Adm. Code 1330)	9/25/09 33 Ill. Reg. 12992	3/9/10
3/26/10	<u>Department of Financial and Professional Regulation</u> , Pharmacy Practice Act (68 Ill. Adm. Code 1330)	9/25/09 33 Ill. Reg. 13081	3/9/10
3/26/10	<u>Department of Financial and Professional Regulation</u> , Construction and Filing of Life Insurance and Annuity Forms (50 Ill. Adm.	4/10/09 33 Ill. Reg. 5139	3/9/10

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

Code 1405)

3/27/10	<u>Department of Financial and Professional Regulation</u> , Professional Engineering Practice Act of 1989 (68 Ill. Adm. Code 1380)	6/19/09 33 Ill. Reg. 8008	3/9/10
3/27/10	<u>Department of Financial and Professional Regulation</u> , The Structural Engineering Practice Act of 1989 (68 Ill. Adm. Code 1480)	9/25/09 33 Ill. Reg. 13179	3/9/10
3/27/10	<u>Department of Children and Family Services</u> , Reports of Child Abuse and Neglect (89 Ill. Adm. Code 300)	10/16/09 33 Ill. Reg. 14209	3/9/10
3/27/10	<u>Department of Healthcare and Family Services</u> , Medical Payment (89 Ill. Adm. Code 140)	3/27/09 33 Ill. Reg. 4468	3/9/10

**ILLINOIS ADMINISTRATIVE CODE**  
**Issue Index - With Effective Dates**

Rules acted upon in Volume 34, Issue 9 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

**PROPOSED RULES**

83 - 792	.....	2769
17 - 750	.....	2777
17 - 2030	.....	2784
11 - 1305	.....	2789
11 - 1407	.....	2794
92 - 1035	.....	2798
89 - 112	.....	2827
89 - 114	.....	2828

**ADOPTED RULES**

50 - 2015	2/11/2010	.....	2811
11 - 1411	2/12/2010	.....	2816

**EMERGENCY RULES**

11 - 325	2/3/2010	.....	2823
----------	----------	-------	------

**JOINT COMMITTEE ON  
ADMINISTRATIVE RULES  
STATEMENTS OF OBJECTION**

89 - 301	.....	2829
----------	-------	------

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