

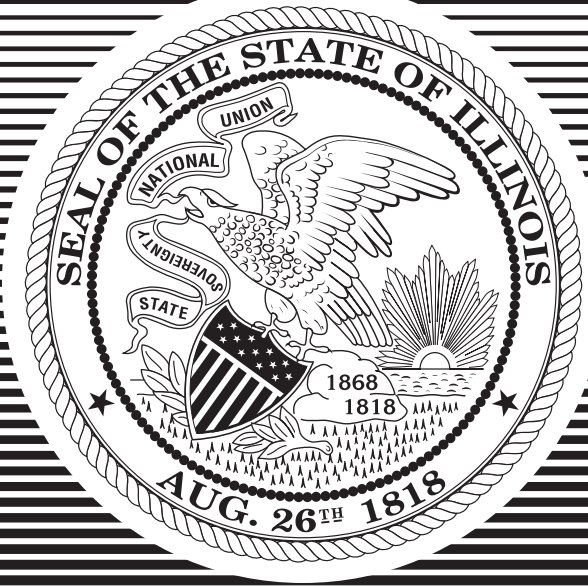
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# ILLINOIS

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## REGISTER

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June 4, 2021 Volume 45, Issue 23

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## INTRODUCTION

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

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

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

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

### ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2021

<b>Issue#</b>	<b>Rules Due Date</b>	<b>Date of Issue</b>
1	December 21, 2020	January 4, 2021
2	December 28, 2020	January 8, 2021
3	January 4, 2021	January 15, 2021
4	January 11, 2021	January 22, 2021
5	January 19, 2021	January 29, 2021
6	January 25, 2021	February 5, 2021
7	February 1, 2021	February 16, 2021
8	February 8, 2021	February 19, 2021
9	February 16, 2021	February 26, 2021
10	February 22, 2021	March 5, 2021
11	March 1, 2021	March 12, 2021
12	March 8, 2021	March 19, 2021
13	March 15, 2021	March 26, 2021
14	March 22, 2021	April 2, 2021
15	March 29, 2021	April 9, 2021
16	April 5, 2021	April 16, 2021
17	April 12, 2021	April 23, 2021
18	April 19, 2021	April 30, 2021
19	April 26, 2021	May 7, 2021
20	May 3, 2021	May 14, 2021
21	May 10, 2021	May 21, 2021

22	May 17, 2021	May 28, 2021
23	May 24, 2021	June 4, 2021
24	June 1, 2021	June 11, 2021
25	June 7, 2021	June 18, 2021
26	June 14, 2021	June 25, 2021
27	June 21, 2021	July 2, 2021
28	June 28, 2021	July 9, 2021
29	July 6, 2021	July 16, 2021
30	July 12, 2021	July 23, 2021
31	July 19, 2021	July 30, 2021
32	July 26, 2021	August 6, 2021
33	August 2, 2021	August 13, 2021
34	August 9, 2021	August 20, 2021
35	August 16, 2021	August 27, 2021
36	August 23, 2021	September 3, 2021
37	August 30, 2021	September 10, 2021
38	September 7, 2021	September 17, 2021
39	September 13, 2021	September 24, 2021
40	September 20, 2021	October 1, 2021
41	September 27, 2021	October 8, 2021
42	October 4, 2021	October 15, 2021
43	October 12, 2021	October 22, 2021
44	October 18, 2021	October 29, 2021
45	October 25, 2021	November 5, 2021
46	November 1, 2021	November 12, 2021
47	November 8, 2021	November 19, 2021
48	November 15, 2021	November 29, 2021
49	November 22, 2021	December 3, 2021
50	November 29, 2021	December 10, 2021
51	December 6, 2021	December 17, 2021
52	December 13, 2021	December 27, 2021
53	December 20, 2021	December 31, 2021

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Administration and Operation of the State Employees' Retirement System of Illinois
- 2) Code Citation: 80 Ill. Adm. Code 1540
- 3) Section Numbers:                      Adopted Actions:  
1540.330                                      Amendment  
1540.380                                      Amendment
- 4) Statutory Authority: 40 ILCS 5/14-135.03
- 5) Effective Date of Rules: May 24, 2021
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 45 Ill. Reg. 1464; February 5, 2021
- 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 agree upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u><i>Illinois Register</i> Citations:</u>
1540.60	Amendment	45 Ill. Reg. 6166; May 14, 2021
1540.70	Amendment	45 Ill. Reg. 6166; May 14, 2021
1540.80	Amendment	45 Ill. Reg. 6166; May 14, 2021
1540.85	New Section	45 Ill. Reg. 6166; May 14, 2021

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

1540.90	Amendment	45 Ill. Reg. 6166; May 14, 2021
1540.350	Amendment	45 Ill. Reg. 6166; May 14, 2021

- 15) Summary and Purpose of Rulemaking: The System proposes a rule that clarifies that it may adjust benefits related to backpay without the approval of the Board. Section 14-135.04 of the Code provides that the Board is "to consider and pass on all applications for annuities, allowances and benefits". Due to such language, it might be construed that the Board is required to act upon all the benefit adjustments due to backpay. Promulgating a rule that permits staff to adjust accordingly without Board approval, codifies current practice and allows for timely adjustments and pay outs. In addition to such change, this rulemaking restructures the "Mistake in Benefit" section so that it is laid out more clearly.

Statute provides that to run for an elected annuitant trustee position, an annuitant must have been retired for at least 12 months. However, it is unclear on what that 12-month period is attached to. The System has proposed a rule that clarifies that the 12-month requirement is as of the date the term begins. Furthermore, there is a similar requirement for the elected employee trustee position, that a candidate for such position must have at least 8 years of service credit. This rule would clarify that the 8-year requirement is as of the date the term begins.

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

Jeff Houch  
Assistant to the Executive Secretary  
State Employees' Retirement System  
2101 South Veterans Parkway  
Springfield IL 62794

217/524-8105  
jeff.houch@srs.illinois.gov

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

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

## SUBTITLE D: RETIREMENT SYSTEMS

## CHAPTER I: STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## PART 1540

THE ADMINISTRATION AND OPERATION OF THE  
STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## Section

1540.5	Introduction (Repealed)
1540.10	Appointment of Retirement System Coordinator
1540.20	Member's Contribution and Service Credit
1540.30	Determination of Rate of Compensation
1540.40	Prior Service Credit
1540.50	Credit for Service for Which Contributions are Permitted
1540.60	Severance of Employment – A Condition to the Payment of a Refund or Retirement Annuity
1540.70	Death Benefits
1540.80	Disability Claims
1540.90	Benefit Offset
1540.100	Birth Date Verification
1540.110	Marriage Verification
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1540.140	Removal of Children from Care of Surviving Spouse
1540.150	Proof of Dependency
1540.160	Investigations of Benefit Recipients
1540.170	Interest on Member Contributions
1540.180	Date of Application – Retirement Annuity, Occupational and Nonoccupational and Temporary Disability Benefits, and Resignation Refund Payments
1540.190	Lump Sum Salary Payments
1540.195	Mandatory Distributions Pursuant to Section 401(a)(9) of the Internal Revenue Code
1540.200	Removal from the Payroll
1540.210	Latest Date of Membership
1540.220	Period for Payment and Amount of Payment of Contributions
1540.230	Contributions by the State (Repealed)
1540.240	Actuarially Funded Basis (Repealed)

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

1540.250	Payments to Establish Credit for Service for Which Contributions are Permitted
1540.255	Pick-up Option for Optional Service Contributions
1540.260	Contributions and Service Credit During Nonwork Periods
1540.270	Written Appeals and Hearings
1540.280	Availability for Public Inspection (Recodified)
1540.290	Procedure for Submission, Consideration and Disposition of Petitions Seeking the Promulgation, Amendment or Repeal of these Rules and Regulations (Recodified)
1540.300	Organization of the State Employees' Retirement System (Recodified)
1540.310	Amendments
1540.320	Optional Forms of Benefits – Basis of Computation
1540.330	Board Elections
1540.340	Excess Benefit Arrangement
1540.350	Qualified Illinois Domestic Relations Orders (QILDRO)
1540.360	Election to be an Employee under Section 14-103.05(b)(3) of the Illinois Pension Code
1540.370	Americans With Disabilities Act
1540.380	Correction of Mistakes in Benefit Payments
1540.385	Suspension of Benefits from Uncashed Warrants
1540.390	Freedom of Information Act
1540.395	Accelerated Pension Benefit Payment Program
1540.400	Multiple Survivors of a Tier 2 Member
1540.410	Final Average Compensation for Certain Alternative Retirement Annuity Receipts
1540.APPENDIX A	Grievance Form
1540.TABLE A	Optional Forms of Benefits – Basis of Computation

AUTHORITY: Implementing and authorized by Article 14 of the Illinois Pension Code [40 ILCS 5].

SOURCE: Filed December 20, 1977, effective December 31, 1977; filed and effective February 28, 1978; emergency rule at 4 Ill. Reg. 2, page 246, effective January 1, 1980; amended at 4 Ill. Reg. 12, pages 530, 532, 534, effective March 11, 1980; emergency rule at 4 Ill. Reg. 46, page 1300, effective November 1, 1980; amended at 5 Ill. Reg. 3454, effective March 19, 1981; amended at 5 Ill. Reg. 7225, effective July 1, 1981; amended at 5 Ill. Reg. 12846, effective October 30, 1981; amended at 6 Ill. Reg. 2114, effective January 29, 1982; amended at 6 Ill. Reg. 5505, effective April 16, 1982; codified at 6 Ill. Reg. 10935; emergency amendment at 6 Ill. Reg. 11084, effective August 31, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 677, effective December 30, 1982; amended at 7 Ill. Reg. 8831, effective July 15, 1983; emergency amendment at 8 Ill. Reg. 359, effective January 1, 1984, for a maximum of 150 days; amended at



## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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8 Ill. Reg. 4144, effective March 26, 1984; Sections 1540.280, 1540.290 and 1540.300 recodified to 2 Ill. Adm. Code 2375 at 8 Ill. Reg. 15902; amended at 9 Ill. Reg. 12375, effective July 30, 1985; emergency amendment at 9 Ill. Reg. 19752, effective December 5, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 8889, effective May 14, 1986; amended at 11 Ill. Reg. 11155, effective June 15, 1987; amended at 14 Ill. Reg. 10498, effective June 19, 1990; amended at 15 Ill. Reg. 7379, effective April 26, 1991; amended at 16 Ill. Reg. 14407, effective September 4, 1992; amended at 20 Ill. Reg. 8033, effective June 15, 1996; emergency amendment at 21 Ill. Reg. 476, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4992, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 13187, effective September 15, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 967, effective December 22, 1997; amended at 22 Ill. Reg. 15363, effective August 10, 1998; amended at 23 Ill. Reg. 3824, effective March 9, 1999; amended at 23 Ill. Reg. 11313, effective September 1, 1999; amended at 24 Ill. Reg. 6975, effective April 20, 2000; amended at 24 Ill. Reg. 18090, effective December 1, 2000; amended at 25 Ill. Reg. 5632, effective April 4, 2001; emergency amendment at 26 Ill. Reg. 11133, effective June 28, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16575, effective October 22, 2002; emergency amendment at 28 Ill. Reg. 8775, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15628, effective November 18, 2004; amended at 29 Ill. Reg. 15554, effective October 1, 2005; amended at 30 Ill. Reg. 12303, effective July 1, 2006; amended at 31 Ill. Reg. 211, effective December 21, 2006; amended at 32 Ill. Reg. 17779, effective October 29, 2008; emergency amendment at 33 Ill. Reg. 9449, effective June 19, 2009, for a maximum of 150 days; emergency expired November 15, 2009; amended at 34 Ill. Reg. 285, effective December 15, 2009; amended at 34 Ill. Reg. 8313, effective June 10, 2010; amended at 38 Ill. Reg. 4023, effective January 24, 2014; emergency amendment at 39 Ill. Reg. 2792, effective February 6, 2015, for a maximum of 150 days; emergency amendment modified in response to Joint Committee on Administrative Rules Objection at 39 Ill. Adm. Code 5626, effective April 7, 2015, for the remainder of the 150 days; amended at 39 Ill. Reg. 9582, effective June 26, 2015; amended at 41 Ill. Reg. 4217, effective March 22, 2017; amended at 42 Ill. Reg. 9568, effective May 29, 2018; emergency amendment at 42 Ill. Reg. 21436, effective November 13, 2018, for a maximum of 150 days; amended at 43 Ill. Reg. 768, effective December 19, 2018; amended at 43 Ill. Reg. 3965, effective March 18, 2019; amended at 43 Ill. Reg. 9252, effective August 16, 2019; amended at 44 Ill. Reg. 534, effective December 27, 2019; amended at 44 Ill. Reg. 7888, effective April 27, 2020; amended at 44 Ill. Reg. 11172, effective June 19, 2020; amended at 44 Ill. Reg. 19510, effective December 2, 2020; amended at 45 Ill. Reg. 3023, effective February 26, 2021; amended at 45 Ill. Reg. 6848, effective May 24, 2021.

**Section 1540.330 Board Elections**

In accordance with the Illinois Pension Code, an election for 2 trustees, one contributing member

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

with at least 8 years of creditable service and one annuitant who has been an annuitant for at least one full year, will be held every 5 years beginning in 1986 and an election for 4 trustees, three contributing members with at least 8 years of creditable service and one annuitant who has been an annuitant for at least one full year, will be held every 5 years beginning in 2009.

## a) Definitions of Terms

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

"Annuitant" – Any annuitant, as defined in Section 14-103.07 of the ~~Illinois Pension Code~~ [40 ILCS 5/14-103.07].

"Annuitant who has been an annuitant for at least one full year" means an annuitant who has received at least 12 monthly installments of their retirement annuity on or before the date upon which the annuitant is sworn into office as a trustee.

"Code" means the Illinois Pension Code [40 ILCS 5].

"Contributing ~~member~~ Member" – Any member of the System, as defined in Section 14-103.06 of the ~~Illinois Pension Code~~ [40 ILCS 5/14-103.06] who is currently contributing to the System.

"Contributing member with at least 8 years of creditable service" – Any contributing member who, on or before the date upon which they are sworn into office as a trustee, has obtained at least 8 years of creditable service, as defined in Section 14-103.15 of the Code.

## b) Nominations

Qualified persons for the position of Contributing Member Trustee or Annuitant Trustee shall file a Statement of Candidacy and a trustee petition on a form prescribed by the Board, in accordance with the ~~Illinois Pension Code~~. Petitions shall be signed by not fewer than 400 contributing members for a Contributing Member Trustee candidate and by not fewer than 100 annuitants for an Annuitant Trustee candidate and indicate the addresses of the signators opposite their names. Nominating petitions shall be circulated and certified only by contributing members or annuitants for each respective trustee candidate. Forms shall be secured from the Executive Secretary and filed in accordance with the Calendar (see subsections (f) and (i)). Trustee petitions and the Statement of Candidacy must be filed at the System's Springfield office, 2101 South Veterans Parkway,

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

Springfield, Illinois, in person or by mail during the office hours of 8:00 a.m. to 4:30 p.m.

- c) **Lottery for Ballot Position**  
All petitions filed on or before the first day for filing shall be deemed filed as of 8:00 a.m. on the first day. All petitions received thereafter shall be deemed as filed in the order of actual receipt. Where 2 or more petitions are received simultaneously for the same office, the State Employees' Retirement Board, with whom petitions are filed, shall break ties and determine the order of filing, by means of a lottery.
- d) **Procedures on Objections**  
The Board of Trustees of the System shall review and rule on all written petitions filed objecting to any candidate's qualifications as outlined in [Section 40 ILCS 5/14-134 of the Code](#). Petitions objecting shall be made in accordance with 80 Ill. Adm. Code 1540.270(d)(3). Nomination papers shall be deemed valid unless objections are received by the System in writing within 5 days after the last day for filing nomination papers. Not later than 12:00 noon on the next business day, after receipt of the objector's petition, the Executive Secretary shall deliver or transmit the nomination papers and original objector's petition to the Chairman of the Board and a copy of the objector's petition to the candidate whose nomination papers are the subject of the objection. Not later than 12:00 noon on the second business day after receipt of the objector's petition, the Chairman of the Board shall call for a meeting to consider the petition by giving notice to each of the members of the Board, the objector and candidate. The meeting of the Board shall not be less than 3 nor more than 5 days after receipt of objector's petition by the Chairman of the Board.
- e) **Elections**  
After the Executive Secretary has certified the candidates, separate ballots shall be prepared for the Contributing Member Trustee and for the Annuitant Trustee. Candidate position shall be in the order that the petitions are filed, or as determined by the lottery. Ballots will be mailed on election day to all qualified Contributing Members and Annuitants. All ballots must be returned, sealed in the envelope provided, so as to be received by May 30 of the election year. In order to be eligible to vote, a contributing member must make contributions during the first payroll period in March of the election year. In order to be eligible to vote, an annuitant must receive a retirement annuity for March of each election year.

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

- f) Calendar of Events
- 1) Beginning in 1986 and every 5 years thereafter, and in 2014 and every 5 years thereafter, the following timelines shall apply:
- A) JANUARY 2 – Forms available from the Executive Secretary for Statement of Candidacy and petitions.
  - B) JANUARY 15 – Last day Executive Secretary shall publish in a newsletter the dates and times when candidates may receive petitions. The pre-filing notice must also include the time and location of the filing period for nominating petitions.
  - C) FEBRUARY 11 – First day for candidates to file nomination papers for trustee offices in the office of the Executive Secretary.
  - D) FEBRUARY 19 – Last day for candidates to file nomination papers for trustee offices in the office of the Executive Secretary.
  - E) FEBRUARY 24 –
    - i) Last day for filing objections to the nomination papers of candidates for the office of trustees in the office of the Executive Secretary.
    - ii) Notice shall be given by telephone, facsimile or electronically of the time and place for conducting a lottery when 2 or more petitions are received simultaneously for the same office. Notice shall be given by the Executive Secretary to all candidates involved in the lottery.
  - F) FEBRUARY 28 – Lottery shall be conducted by the Executive Secretary when 2 or more petitions are received simultaneously for the same office.
  - G) MARCH 1 – Last day for candidates to withdraw their candidacy in the office of the Executive Secretary.
  - H) MAY 1 – or, if Sunday, then May 2 – Election

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

- I) MAY 30 – Last day all voted ballots shall be received by the Board or its designate.
  - J) JUNE 6 – Last day for canvassing of election results by the Board or its designated agent.
  - K) JUNE 18 – Last day for the Board to proclaim the results of the election and to issue the certificates of election to the winners.
- 2) If any of these dates falls on a Saturday, Sunday or holiday, the next succeeding business day for the System shall be the effective date.
- g) **Ballot Security**  
Upon receiving the official voted ballots, they shall be secured in a locked location until the canvassing begins.
- h) **Board Notification**
- 1) The Board or its designated agent shall canvass the ballots and certify the results. Each candidate may have two observers present during the ballot canvassing.
  - 2) The candidate or candidates receiving the most votes for the office of Contributing Member Trustee will be declared the winner. The candidate receiving the most votes for the office of the Annuitant Trustee will be declared the winner.
  - 3) If a candidate should become ineligible for office after the submission of the Statement of Candidacy and petitions, but before the election, the Board shall notify the candidate of the ineligibility and remove the candidate'shis or her name from the ballot. If a candidate should become ineligible for office after the mailing of ballots, the candidate'shis or her votes will not be counted and the eligible candidate receiving the most votes shall be declared the winner.
  - 4) Ballots will be retained for 60 days following the certification. The ballots can then be destroyed, unless litigation is pending.

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

- 5) In case of a tie vote between 2 or more candidates, the Board shall determine the winner by means of a lottery to break the tie.
  - 6) The Board will proclaim the results of the election and issue Certificates of Election to the winners.
- i) Special Election Calendar of Events
- The special election to be held in 2009 to fill the 4 new elected trustee positions shall be subject to the same procedures outlined in this Section, except as may need to be modified to comply with the following calendar for the special election:
- 1) APRIL 16 – First day for candidates to file nomination papers for trustees offices in the office of the Executive Secretary.
  - 2) MAY 11 – Last day for candidates to file nomination papers for trustees offices in the office of the Executive Secretary.
  - 3) MAY 15 – Lottery shall be conducted by the Executive Secretary when 2 or more petitions are received simultaneously for the same office.
  - 4) JUNE 1 – Election
  - 5) JUNE 26 – Last day all voted ballots shall be received by the Board or its designate.
  - 6) JULY 2 – Last day for canvassing of election results by the Board or its designated agent and for the Board to proclaim the results of the election and to issue the certificates of election to the winners.

(Source: Amended at 45 Ill. Reg. 6848, effective May 24, 2021)

**Section 1540.380 Correction of Mistakes in Benefit Payments**

- a) If SERS mistakenly sets any benefit at an incorrect amount, it will recalculate the benefit as soon as may be practicable after the mistake is discovered. As soon as reasonably practicable after discovery that the amount of a benefit paid to a recipient is incorrect, SERS shall notify the recipient in writing. The written notice shall indicate the correct amount of the benefit, when the amount of the

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

~~corrected benefit will be paid or when the amount of the overpayment will be due, and the procedure for appealing this determination.~~

- b) ~~If the recalculation results in a determination by SERS that it has overpaid a benefit and, if that benefit overpayment either was undiscovered for less than 3 years or resulted from incorrect information supplied by the affected member or beneficiary, then SERS will adjust the benefit to the correct level and notify the benefit recipient in writing. The written notice will indicate the correct amount of the benefit, the amount of the overpayment that must be recovered by the System, and the procedure for appealing the determination. If the affected member or beneficiary does not appeal the determination within 30 days after the postmark date of the written notice or, if, upon appeal, the Executive Committee affirms the System's determination, then SERS will make arrangements for collection of the amount of the overpayment. The overpayment can be repaid by: Upon discovering that SERS has paid a benefit that is not correct, SERS shall endeavor to determine whether the recipient has been underpaid or overpaid by the System.~~
- 1) ~~reductions in any subsequent benefit payment due to the recipient or their survivors and beneficiaries; If the amount of the benefit provided by SERS to the recipient is less than the amount of that benefit to be provided by the System to the recipient under the Illinois Pension Code, SERS shall pay a lump sum amount to the recipient in the amount necessary to make the recipient whole as to the amounts that should have been paid to the recipient by SERS under the Code. The amount payable under this subsection (b)(1) on account of an underpayment of an accelerated pension benefit payment shall be distributed from the State Pension Obligation Acceleration Bond Fund.~~
- 2) ~~repayment of the overpayment by the recipient to SERS; If the amount of the benefit provided by SERS to the recipient is greater than the amount of the benefit to be provided by SERS to the recipient under the Code, the System shall determine when the overpayment began.~~
- A) ~~If the overpayment was undiscovered by SERS for three or more years after the overpayment began, the recipient will not be required to reimburse SERS for the amount of the overpayment unless the overpayment is the result of incorrect or inaccurate information provided by the member, beneficiary, or his or her authorized representative.~~

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

- ~~B) If the overpayment was undiscovered by SERS for less than three years after the overpayment began, SERS shall make arrangements for collection of the amount of the overpayment. The overpayment can be repaid by:~~
- ~~i) reductions in any subsequent benefit payment due to the recipient or his or her survivors and beneficiaries;~~
  - ~~ii) repayment of the overpayment by the recipient to SERS;~~
  - ~~iii) other arrangement SERS makes with the recipient; or~~
  - ~~iv) any other means legally available to SERS.~~
- ~~C) If the overpayment is the result of incorrect or inaccurate information provided by a member, beneficiary or his or her authorized representative, SERS shall make arrangements for collection of the amount of the overpayment, regardless of when the overpayment began. The overpayment can be repaid by:~~
- ~~i) reductions in any subsequent benefit payment due to the recipient or his or her survivors and beneficiaries;~~
  - ~~ii) repayment of the overpayment by the recipient to SERS;~~
  - ~~iii) other arrangement SERS makes with the recipient; or~~
  - ~~iv) any other means legally available to SERS.~~
- ~~D) If the benefit overpaid to the recipient is an accelerated pension benefit payment, SERS shall follow the provisions of this Section, but amounts collected as an overpayment of the accelerated pension benefit payment shall be remitted to the State Pension Obligation Acceleration Bond Fund.~~
- 3) other arrangement SERS makes with the recipient; or
- 4) any other means legally available to the System.



## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

- c) If the recalculation results in a determination by SERS that it has overpaid a benefit and, if that benefit overpayment was undiscovered for 3 or more years and did not result from incorrect information supplied by the affected member or beneficiary, then SERS will adjust the benefit to the correct level and notify the benefit recipient in writing. The written notice will indicate the correct amount of the benefit, describe the procedure for appealing the determination, and inform the benefit recipient that they are not required to repay SERS for the excess amounts received in error. Nothing in this Section prevents SERS from referring any debt due SERS to the Attorney General, the Debt Collection Board, the Comptroller's Offset System, or private collection agencies at any time it deems appropriate.
- d) If the recalculation results in a determination by SERS that it has underpaid a benefit, then SERS will notify the benefit recipient, adjust the benefit to the correct level, and pay a lump sum amount to the recipient in the amount necessary to make the recipient whole as to the amounts that should have been paid to the recipient by SERS under the Code. The amount payable under this subsection (d) on account of an underpayment of an accelerated pension benefit payment shall be distributed from the State Pension Obligation Acceleration Bond Fund.
- e) A benefit underpayment that arises from a back pay award may be acted upon under subsection (d) and is not required to be passed upon by the Board under Section 14-135.04 of the Code. However, if a member believes that the System has incorrectly adjusted the benefit or incorrectly calculated the amount of the underpayment, the member may appeal those calculations in the same manner as the appeal of an initial claim under Section 1540.270.
- f) Amounts collected under subsection (b) on account of the overpayment of accelerated pension benefit payments shall be remitted to the State Pension Obligation Acceleration Bond Fund.
- g) Nothing in this Section prevents SERS from referring any debt due SERS to the Attorney General, the Debt Collection Board, the Comptroller's Offset System, or private collection agencies at any time it deems appropriate.
- hd) Definitions  
As used in this Section:

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

"Accelerated Pension Benefit Payment" means any accelerated pension benefit payment provided under Section 14-147.5 or 14-147.6 of the Code.

"Benefit" means any retirement annuity, widow's annuity, survivor's annuity, occupational disability benefit, temporary disability benefit, nonoccupational disability benefit, death benefit, accelerated pension benefit payment, or other benefit payable under Article 14 of the Code or any portion of any proportional annuity or survivor's annuity that is payable by SERS under Article 20 of the Code.

"Code" means the Illinois Pension Code [40 ILCS 5].

"State Pension Obligation Acceleration Bond Fund" means the bond fund created by Section 7.7(d) of the General Obligation Bond Act [30 ILCS 330].

"SERS" means the State Employees' Retirement System of Illinois.

(Source: Amended at 45 Ill. Reg. 6848, effective May 24, 2021)

## OFFICE OF THE SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

- 1) Heading of the Part: Certificates of Title, Registration of Vehicles
  - 2) Code Citation: 92 Ill. Adm. Code 1010
  - 3) Section Number: 1010.421                      Emergency Action:  
Amendment
  - 4) Statutory Authority: Authorized by Section 2-104(b) of, and implementing Chapters 3 and 5 of, the Illinois Vehicle Code [625 ILCS 5].
  - 5) Effective Date of Emergency Rule: May 24, 2021
  - 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will expire at the end of 150 days.
  - 7) Date Filed with the Index Department: May 24, 2021
  - 8) A statement that a copy of the emergency rulemaking including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
  - 9) Reason for Emergency: This emergency amendment corrects the information regarding a Superuser or additional users' requirement to attend in-person training, then annual, online training. In addition, clarification that SOS may impose a requirement that in-person training must be taken in the event a Superuser or additional user commits any violations in the previous year. Any violations in the previous year will result in in-person training.
  - 10) A Complete Description of the Subjects and Issues Involved: The rulemaking requires Superusers and Additional issuers to submit to an annual, in-person training session including, but not limited to, the operations of the TRP system, the statutes pertaining to motor vehicle registration, TRPs, and Part 1010.
  - 11) Are there any other rulemakings to this Part pending? Yes
- |                                     |                                       |   |
|-------------------------------------|---------------------------------------|---|
| <u>Section Number</u> :<br>1010.421 | <u>Proposed Action</u> :<br>Amendment | <u>Illinois Register Citation</u> :<br>45 Ill. Reg.6794; May 28, 2021 |
|-------------------------------------|---------------------------------------|---|

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

- 12) Statement of Statewide Policy Objective: None
- 13) Information and questions regarding this emergency rule shall be directed to:

Alyssa Haaker  
Assistant General Counsel  
298 Howlett Building  
Springfield IL 62756

217/785-3094  
ahaaker@ilsos.gov

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

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATE

PART 1010  
CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

Section	
1010.10	Owner – Application of Term
1010.20	Secretary and Department

SUBPART B: TITLES

Section	
1010.110	Salvage Certificate – Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
1010.120	Salvage Certificate – Assignments and Reassignments
1010.130	Exclusiveness of Lien on Certificate of Title
1010.140	Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards
1010.150	Transferring Certificates of Title Upon the Owner's Death
1010.160	Repossession of Vehicles by Lienholders and Creditors
1010.170	Junking Notification
1010.180	Specially Constructed Vehicles – Defined
1010.185	Specially Constructed Vehicles – Required Documentation for Title and Registration
1010.190	Issuance of Title and Registration Without Standard Ownership Documents – Bond
1010.193	Procedures for Application for Title for Vehicles Purchased at Mechanic's Lien Sales
1010.195	Procedures and Disclosures for Vehicles Previously Titled in Areas Flooded as a Result of a Natural Disaster

SUBPART C: REGISTRATION

Section	
1010.200	Homemade Trailers – Title and Registration

## OFFICE OF THE SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

- 1010.210 Application for Registration
- 1010.220 Vehicles Subject to Registration – Exceptions
- 1010.230 Refusing Registration or Certificate of Title
- 1010.240 Registration Plates To Be Furnished by the Secretary of State
- 1010.245 Electronic Registration and Titling (ERT) Program Provisions
- 1010.250 Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND  
CANCELLATION OF REGISTRATION

## Section

- 1010.300 Operation of Vehicle after Cancellation, Suspension, or Revocation of any Registration
- 1010.310 Improper Use of Evidences of Registration
- 1010.320 Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards and Titles
- 1010.330 Operation of Vehicle Without Proper Illinois Registration
- 1010.350 Suspension or Revocation
- 1010.360 Surrender of Plates, Decals or Cards

## SUBPART E: SPECIAL PERMITS AND PLATES

## Section

- 1010.410 Temporary Registration – Individual Transactions
- 1010.420 Temporary Permit Pending Registration In Illinois
- 1010.421 Issuance of Temporary Registration Permits by Persons or Entities Other Than the Secretary of State

EMERGENCY

- 1010.425 Non-Resident Drive-Away Permits
- 1010.426 Seven Day Permits
- 1010.430 Registration Plates for Motor Vehicles Used for Transportation of Persons for Compensation and Tow Trucks
- 1010.440 Title and Registration of Vehicles with Permanently Mounted Equipment
- 1010.450 Special Plates
- 1010.451 Purple Heart License Plates
- 1010.452 Special Event License Plates
- 1010.453 Retired Armed Forces License Plates
- 1010.454 Gold Star License Plates
- 1010.455 Collectible License Plates

## OFFICE OF THE SECRETARY OF STATE

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1010.456	Sample License Plates For Motion Picture and Television Studios
1010.457	Korean War Veteran License Plates
1010.458	Collegiate License Plates
1010.459	Universal Plate Decal
1010.460	Special Plates for Members of the United States Armed Forces Reserves
1010.465	Requests for General Issuance Specialty License Plates
1010.470	Dealer Plate Records
1010.480	State of Illinois In-Transit Plates

## SUBPART F: FEES

Section	
1010.510	Determination of Registration Fees
1010.520	When Fees Returnable
1010.530	Circuit Breaker Registration Discount
1010.540	Fees
1010.550	Determining Age of Vehicle

## SUBPART G: MISCELLANEOUS

Section	
1010.610	Unlawful Acts, Fines and Penalties
1010.620	Change of Engine
1010.630	Extension of Expiration Dates

## SUBPART H: SECOND DIVISION VEHICLES

Section	
1010.705	Reciprocity
1010.710	Vehicle Proration
1010.715	Proration Fees
1010.720	Vehicle Apportionment
1010.725	Trip Leasing
1010.730	Intrastate Movements, Foreign Vehicles
1010.735	Interline Movements
1010.740	Trip and Short-term Permits
1010.745	Signal 30 Permit for Foreign Registration Vehicles (Repealed)
1010.750	Signal 30-Year-round for Prorated Fleets of Leased Vehicles (Repealed)
1010.755	Mileage Tax Plates

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1010.756	Suspension or Revocation of Illinois Mileage Weight Tax Plates
1010.760	Transfer for "For-Hire" Loads
1010.765	Suspension or Revocation of Exemptions as to Foreign Registered Vehicles
1010.770	Required Documents for Trucks and Buses to detect "intrastate" movements
1010.775	Certificate of Safety
1010.APPENDIX A	Uniform Vehicle Registration Proration and Reciprocity Agreement
1010.APPENDIX B	International Registration Plan
1010.APPENDIX C	Affirmation Supporting Salvage Certificate
1010.APPENDIX D	Specialty License Plates Request Form

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

**SOURCE:** Filed and effective December 15, 1970; emergency amendment at 2 Ill. Reg. 25, p. 119, effective June 14, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendment at 4 Ill. Reg. 21, p. 99, effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 15102, effective September 15, 1989; amended at 14 Ill. Reg. 4560, effective March 1, 1990; amended at 14 Ill. Reg. 6848, effective April 18, 1990; amended at 14 Ill. Reg. 9492, effective June 1, 1990; amended at 14 Ill. Reg. 19066, effective November 15, 1990; amended at 15 Ill. Reg. 12782, effective August 15, 1991; amended at 16 Ill. Reg. 12587, effective August 1, 1992; amended at 19 Ill. Reg. 11947, effective August 1, 1995; amended at 19 Ill. Reg. 16289, effective November 27, 1995; amended at 20 Ill. Reg. 11349, effective August 1, 1996; amended at 21 Ill. Reg. 8408, effective June 23, 1997; amended at 21 Ill. Reg. 13372, effective September 17, 1997; amended at 22 Ill. Reg. 8521, effective April 28, 1998; amended at 22 Ill. Reg. 22059, effective January 1, 1999; amended at 25 Ill. Reg. 7731, effective June 6, 2001; emergency amendment at 25 Ill. Reg.



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14201, effective October 22, 2001, for a maximum of 150 days; emergency expired March 20, 2002; amended at 26 Ill. Reg. 14282, effective September 16, 2002; amended at 27 Ill. Reg. 4790, effective February 27, 2003; amended at 29 Ill. Reg. 8915, effective June 10, 2005; amended at 31 Ill. Reg. 2668, effective January 29, 2007; amended at 32 Ill. Reg. 17253, effective October 15, 2008; amended at 32 Ill. Reg. 17590, effective October 16, 2008; amended at 34 Ill. Reg. 3673, effective March 5, 2010; amended at 34 Ill. Reg. 10202, effective June 29, 2010; amended at 35 Ill. Reg. 1652, effective January 13, 2011; amended at 35 Ill. Reg. 8240, effective May 16, 2011; amended at 36 Ill. Reg. 7674, effective May 2, 2012; amended at 36 Ill. Reg. 14745, effective September 24, 2012; amended at 36 Ill. Reg. 17094, effective November 20, 2012; emergency amendment at 36 Ill. Reg. 17580, effective November 28, 2012, for a maximum of 150 days; amended at 37 Ill. Reg. 4340, effective March 22, 2013; amended at 37 Ill. Reg. 8941, effective June 14, 2013; amended at 37 Ill. Reg. 12578, effective July 17, 2013; amended at 39 Ill. Reg. 5106, effective March 20, 2015; amended at 42 Ill. Reg. 212, effective December 19, 2017; amended at 42 Ill. Reg. 14450, effective July 23, 2018; amended at 43 Ill. Reg. 3945, effective March 15, 2019; amended at 44 Ill. Reg. 2014, effective December 31, 2019; emergency amendment at 44 Ill. Reg. 5831, effective March 17, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 6641, effective April 9, 2020, for the remainder of the 150 days; emergency amendment effective March 17, 2020, as amended April 9, 2020, repealed at 44 Ill. Reg. 11595, effective June 30, 2020; emergency amendment at 44 Ill. Reg. 11890, effective June 30, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 17440, effective October 19, 2020; amended at 44 Ill. Reg. 16487, effective September 25, 2020; emergency amendment at 45 Ill. Reg. 1369, effective January 12, 2021, for a maximum of 150 days; amended at 45 Ill. Reg. 6054, effective April 22, 2021; emergency amendment at 45 Ill. Reg. 6794, effective May 6, 2021, for a maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 6862, effective May 24, 2021 for the remainder of 150 days.

## SUBPART E: SPECIAL PERMITS AND PLATES

**Section 1010.421 Issuance of Temporary Registration Permits by Persons or Entities Other Than the Secretary of State****EMERGENCY**

- a) All entities authorized to issue Temporary Registration Permits (TRPs) must designate a single individual as the primary individual responsible for issuing, tracking and managing TRPs, 7-day permits, and/or 30-day permits. This individual shall be referred to as a Superuser and will act as the primary contact on behalf of the authorized entity and the Secretary of State (SOS).

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- b) All entities authorized to issue a TRP shall be issued a Superuser username by the SOS. The Superuser may designate to SOS additional issuers; however, only individuals with a valid username may issue a TRP from inventory allocated to each licensed entity. Each Superuser and additional issuer of the TRP system must sign a separate acknowledgment stating that the individual understands the processes and procedures governing TRP issuance, is 18 years of age or older, and understands that a violation of this Part or of any provision of the Illinois Vehicle Code related to issuing registrations may result in the Superuser, the additional issuer, and/or the authorized entity receiving a suspension or revocation of TRP privileges.
- c) If the SOS determines that a Superuser, additional issuer, or authorized entity has permitted an unauthorized individual to issue a TRP on the Superuser's or an additional issuer's behalf, then the SOS shall suspend the authorized entity's access to the TRP program for a period of 30 days. Any entity that is found to have employed a Superuser or additional issuer who has violated this provision twice within 5 years shall have access to the TRP program denied permanently.
- d) All Superusers and those designated by a Superuser as an additional issuer shall complete a free, annual training session including, but not limited to, the operations of the TRP system, the statutes pertaining to motor vehicle registration, TRPs, and this Part.
- e) Prior to obtaining a Superuser username, a Superuser must complete in-person training. Going forward, the Superuser will be required to attend an ~~online~~~~in-person~~ training annually. If a new additional issuer is created by the Superuser, that new user has 60 days from the creation date to complete the online training. Going forward, an additional issuer must take the ~~online~~~~in-person~~ training annually. Any Superusers or additional users who commit any violations of this Section in the past year may be required to take in-person training.
- f) A licensed dealer under the Illinois Vehicle Code may void, within 15 days or 500 miles after the issue date of the TRP, a TRP that has been issued to a vehicle owner and corresponding vehicle, if the vehicle owner determines that the vehicle meets the requirements of Section 2L of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505]. A licensed dealer under the Illinois Vehicle Code may void, within 15 days after the issue date of the TRP, a TRP that has been issued to a vehicle owner and corresponding vehicle for any other reason allowed under State statute. A licensed dealer shall be required to retain

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documentation that the customer signs stating that he or she is returning the vehicle to the licensed dealer pursuant to Section 2L or another specified statutorily authorized reason. This disclosure shall be retained with all other statutorily required documentation pertaining to the licensed dealer's record keeping requirements.

- g) A licensed dealer may not void a TRP for a vehicle owner and corresponding vehicle if the sole reason the vehicle is returned to the licensed dealer is the vehicle purchaser's inability to secure financing for the vehicle. If, after the TRP is issued, the vehicle purchaser is ultimately unable to secure financing and must return the vehicle, the licensed dealer must still transmit the appropriate title and registration fees to SOS and any applicable sales taxes to the Illinois Department of Revenue before another TRP may be issued to a new vehicle owner for the same vehicle.
- h) In addition to the issuance of TRPs to specific applicants, the SOS may supply, upon request, TRP plates to the following for issuance by them, provided they have the necessary computer hardware, software and communication devices for accessing the SOS Internet site for the registration of TRP plates and titling:
  - 1) Licensed vehicle dealers registered and in good standing with SOS. Each dealer may issue TRPs only to persons purchasing vehicles from that dealer and only after application for title and registration has been completed. All TRPs that are issued must be accompanied by a corresponding document number for the accompanying application for a certificate of title. All dealers receiving TRPs shall maintain records as required by 92 Ill. Adm. Code 1019.40 reflecting the information required for completion of the receipt form for a TRP plate. Failure to do so may result in the denial, revocation, or suspension of a dealer's license under IVC Section 5-501.
  - 2) Licensed remittance agents registered and in good standing with the SOS. Each remittance agent may issue TRPs only to persons whose applications the remittance agent accepts for transmittal to SOS. All TRPs that are issued must be accompanied by a corresponding document number for the accompanying application for a certificate of title. All Remittance Agents receiving TRPs shall maintain records reflecting the information required for completion of the receipt form for a TRP. Failure to do so may result in the denial, revocation, or suspension of a Remittance Agent's license

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under IVC Sections 3-906 and 3-907.

- 3) Currency exchanges licensed by, and in good standing with, the Department of Financial and Professional Regulation. Currency exchanges shall complete and submit an application in a manner prescribed by the SOS to be eligible to receive TRPs. Each currency exchange may issue TRPs only to persons whose applications the currency exchange accepts for transmittal to SOS. A TRP may only be issued in connection with an application for title and registration or registration only, but may not be issued in connection with an application for renewal of a registration. All TRPs that are issued must be accompanied by a corresponding document number for the accompanying application for a certificate of title. All currency exchanges receiving TRPs shall maintain records of their issuance reflecting the information required for completion of the receipt form for a TRP plate.
- i) Authorized Superusers of Temporary Permits must be in compliance with the following:
    - 1) Within two business days after receipt of TRP plates from the SOS the Superuser shall access the SOS Internet site for the registration of TRP plates and acknowledge receipt of the plates.
      - A) The issuer shall store the TRP plates in a secure location to prevent theft, loss or misuse of the plates. TRPs shall not be accessible to the general public or any individual who has not been issued a Superuser's, or an additional issuer's, username by the SOS.
      - B) TRP plates shall be issued in numerical sequence as received from SOS.
      - C) Holders of TRPs shall be limited to a 90-day inventory based on self-reported annual sales.
      - D) TRP plates shall be issued only in conjunction with applications for vehicle registration and all required information regarding the TRP plate shall be completed on the vehicle registration application form.

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- E) Any information that is found to be inaccurate in order to circumvent the TRP system shall result in suspension of the TRP system. A second or subsequent violation of this subsection (i)(1)(E) within 5 years shall result in denial of access to the TRP system.
- 2) Contemporaneously with the issuance of a TRP plate, the Superuser or additional issuer shall access the SOS TRP Account Login for the registration of TRP plates and enter all requested information with regard to the vehicle for which the TRP plate was issued and the individuals or entity to which the TRP plate was issued. When accessing the SOS Internet site and entering information, a Superuser or additional issuer shall comply with all protocols provided by the SOS, including, but not limited to, user identification procedures and passwords.
- 3) Prior to delivering a TRP plate to the applicant or attaching a TRP plate to a vehicle, the Superuser or additional issuer shall affix the TRP to the corresponding vehicle.
  - A) All information required on the TRP must be electronically printed on the TRP; and
  - B) Under no circumstances shall the Superuser or an additional issuer provide or issue a second or subsequent TRP to the same owner and vehicle as the initial issuance.
- 4) TRP plates issued for motor driven cycles or motorcycles shall be of the reduced size designed for motor driven cycles or motorcycles.
- 5) TRP plates shall be issued only by the Superuser or additional issuer assigned by the licensed dealer, remittance agent, or currency exchange that received the TRP from the SOS.
- 6) TRP plate receipt forms shall contain all of the information requested, where applicable. The original of the plate receipt form shall be given to the applicant and the copy shall be maintained by the Superuser or additional issuer.
- 7) TRP plate receipt forms shall bear the name of the Superuser's licensed

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entity and the licensee's or Agent number issued by SOS.

- 8) The Superuser or additional issuer of TRPs shall reimburse SOS \$151 per TRP lost, missing, stolen or destroyed. All TRPs designated as lost, missing, stolen or destroyed, or otherwise unaccounted for, shall be billed automatically on a monthly basis. The SOS shall have the discretion to waive this fee upon satisfactory proof that the TRPs were destroyed by fire or flood, or stolen in connection with a theft on the premises. In the decision to waive the fee, the SOS shall consider whether an insurance claim or police report was filed, or other evidence suggesting that the authorized licensed entity's loss is the result of fire, flood or theft on the premises.
  - 9) An authorized licensed entity shall maintain for 3 years copies of receipt forms for all TRP plates issued.
  - 10) When the authorized licensed entity is no longer engaged in the business of issuing TRPs, the authorized licensed entity shall return all unissued TRP plates to SOS. An authorized licensed entity shall bear risk of loss until all TRPs are received by SOS. All TRPs shall be returned to the following address:

Illinois Secretary of State  
Attn: TRP Return Unit  
501 S. 2<sup>nd</sup> Street  
Springfield IL 62756
  - 11) Any entity licensed under Chapter 5 of the IVC shall issue Illinois residents only Illinois TRPs or 7-day drive away permits. A licensee may issue a 30-day drive away permit to non-residents or as set forth in Section 1010.425 of this Administrative Code. Any licensee that issues a temporary registration permit or 7-day drive away permit originating from another state to an IL resident shall receive a 90-day suspension from access to the Secretary's TRP system. A second or subsequent violation of this provision shall result in a 30-day suspension of the license issued under Chapter 5 of the IVC.
- j) SOS shall have free access to the offices and places of business to examine fully all TRP books and other business records, documents and files of the licensed

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entity to determine whether the licensed entity is complying with this Section.

- k) The licensed entity is responsible for acts or omissions of its Superuser or additional issuers while engaged in the distribution of TRPs.
- l) Denial or Revocation of the Authority to Issue Temporary Permits
  - 1) SOS may refuse to issue TRPs to any dealer, remittance agent or currency exchange that has committed any violation of IVC Chapter 3 or Chapter 5 or any administrative rule adopted pursuant to those statutes. SOS may demand the return of any unused TRPs from any dealer, remittance agent or currency exchange for any violation of IVC Chapter 3 or Chapter 5 or any administrative rule adopted pursuant to those statutes, or for any other violation relating to the use or issuance of TRPs.
  - 2) If the SOS refuses to issue or revokes unused TRPs, he or she shall so order in writing and notify the dealer, remittance agent or currency exchange by U.S. Mail. A dealer, remittance agent or currency exchange may request an administrative hearing to review the order.
  - 3) If the SOS revokes unused TRPs, the affected dealer, remittance agent or currency exchange shall not be entitled to apply for or issue any TRPs for a period of 90 days following receipt of the revocation order. A second or subsequent offense resulting in the revocation of TRPs may result in the dealer, remittance agent or currency exchange being prohibited from receiving any TRPs from SOS.
  - 4) SOS personnel may initiate an action against a dealer, remittance agent or currency exchange by filing a complaint with the SOS Administrative Hearings Department. Thereafter, a notice of hearing shall be issued to the dealer, remittance agent or currency exchange specifying the alleged violation. The dealer, remittance agent or currency exchange shall be entitled to an administrative hearing pursuant to IVC Section 2-118 and 92 Ill. Adm. Code 1001.
- m) Violations of Entering Temporary Permit Required Information

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- 1) Any entity that issues a TRP without a corresponding application for a certificate of title shall be assessed the appropriate certificate of title fee for the vehicle that was issued the TRP.
- 2) The penalty for entering false, misleading or deceptive information, whether the information pertains to the vehicle owner or the vehicle, shall include a 90-day suspension of access to the TRP system.
- 3) The penalty for a lost, missing, stolen or destroyed TRP from an entity's inventory shall be \$151, the cost of a plate and registration.
- 4) The penalty for issuing a TRP without following the proper SOS procedures is as follows:

<u>Occurrence</u>	<u>Penalty</u>
1 <sup>st</sup> Occurrence, single violation	Written warning, \$175 fine
1 <sup>st</sup> Occurrence, 2-5 violations	7-day suspension, \$175 fine per violation
1 <sup>st</sup> Occurrence, 5-10 violations	30-day suspension, \$175 fine per violation
1 <sup>st</sup> Occurrence, 10+ violations	90-day suspension, \$175 fine per violation
2 <sup>nd</sup> Occurrence	30-day suspension, \$175 fine per violation
2 <sup>nd</sup> Occurrence, 10+ violations	90-day suspension, \$175 fine per violation
3 <sup>rd</sup> Occurrence	90-day suspension, \$175 fine per violation
4 <sup>th</sup> Occurrence	Revocation of TRP Access

(Source: Amended by emergency rulemaking at 45 Ill. Reg. 6794, effective May 6, 2021, for a maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 6862, effective May 24, 2021 for the remainder of 150 days.)



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## SECOND NOTICES RECEIVED

The following second notices were received during the period of May 18, 2021 through May 24, 2021. These rulemakings are scheduled for the June 15, 2021 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
6/26/21	<u>Department of Human Services</u> , Services to Potentially Eligible Students (89 Ill. Adm. Code 554)	3/5/21 45 Ill. Reg. 2599	6/15/21
6/26/21	<u>Department of Human Services</u> , Eligibility (89 Ill. Adm. Code 682)	3/5/21 45 Ill. Reg. 2603	6/15/21
6/30/21	<u>State Board of Education</u> , Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)	12/18/20 44 Ill. Reg. 19383	6/15/21
6/23/21	<u>Department of Healthcare and Family Services</u> , Specialized Healthcare Delivery Systems (89 Ill. Adm. Code 146)	1/22/21 45 Ill. Reg. 1096	6/15/21
7/2/21	<u>Department of Human Services</u> , Supplemental Nutrition Assistance Program (SNAP) (89 Ill. Adm. Code 121)	3/5/21 45 Ill. Reg. 2585	6/15/21
7/4/21	<u>Department of Human Services</u> , Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113)	3/5/21 45 Ill. Reg. 2573	6/15/21
7/7/21	<u>Office of the Attorney General</u> , Hospital Financial Assistance under the Fair Patient Billing Act (77 Ill. Adm. Code 4500)	3/26/21 45 Ill. Reg. 3732	6/15/21

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SECOND NOTICES RECEIVED

7/7/21	<u>Secretary of State, Issuance of Licenses (92 Ill. Adm. Code 1030)</u>	3/12/21 45 Ill. Reg. 2777	6/15/21
7/4/21	<u>Department of Children and Family Services, Background Checks (89 Ill. Adm. Code 385)</u>	10/2/20 44 Ill. Reg. 16009	6/15/21

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION  
TO PROPOSED RULEMAKINGDEPARTMENT OF LABOR

Heading of the Part: Employee Classification

Code Citation: 56 Ill. Adm. Code 240

Section Numbers: 240.405

Date Originally Published in the *Illinois Register*: 7/31/20  
44 Ill. Reg. 12728

At its meeting on May 18, 2021, the Joint Committee on Administrative Rules considered the above-referenced rulemaking and recommended that DOL be more timely in updating rule to reflect statute. P.A. 99-303, which changed the due date for subcontractor reports, became effective 8/6/15.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULE  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION  
TO EMERGENCY RULEMAKING

DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Sexual Assault Survivors Emergency Treatment Code

Code Citation: 77 Ill. Adm. Code 545

Section Numbers: 545.36

Date Originally Published in the *Illinois Register*: 4/30/21  
45 Ill. Reg. 5671

At its meeting on May 18, 2021, the Joint Committee on Administrative Rules considered the above-cited emergency rule and recommended that the Department be more timely in implementing Public Acts related to public health emergencies. P.A. 101-634 became effective on June 5, 2020, and is only effective for approximately 13 months. DPH filed emergency rules to implement this Public Act on April 16, 2021.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

## PROCLAMATIONS

**2021-92****Flag Lowering – Officer Chris Oberheim**

**WHEREAS**, Champaign Police Officer Chris Oberheim tragically died in the line of duty on Wednesday, May 19, 2021, while responding to a domestic violence call; and,

**WHEREAS**, Officer Chris Oberheim is survived by his wife Amber; his four daughters, Hannah, Avery, and twins Addison and Aubree; his parents Ted and Mary Ann Oberheim; siblings Greg (Michelle), Amy, Matt (Jennifer), Joe (Chelsea), Sarah (Jason); his in-laws and nieces and nephews; and was preceded in death by his sister LeighAnn and grandfather Neil Ganley; and,

**WHEREAS**, Officer Chris Oberheim began his police career with the Decatur Police Department in 2000, transferring to Champaign Police Department in 2008 where he continued to protect and serve his community; and,

**WHEREAS**, Officer Chris Oberheim received two medals of valor for his courageous acts of selfless bravery but always kept a humble demeanor and was a respected officer who led by silent example and maintained a sense of humility even when receiving recognition for his heroic actions; and,

**WHEREAS**, Officer Chris Oberheim's family was his first priority and his four daughters were his pride and joy spending a great deal of his off-duty time coaching several softball teams;

**THEREFORE**, I, JB Pritzker, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to lower flags from sunrise Monday, May 24 to sunset Wednesday, May 26, in honor and remembrance of Officer Chris Oberheim, and express my everlasting gratitude for the sacrifice Officer Chris Oberheim's loved ones have made on behalf of the safety and security of all Illinoisans, and assure you that both I and the people of Illinois stand with you, not only in this difficult time, but every day going forward.

Issued by the Governor: May 24, 2021

Filed by the Secretary of State: May 24, 2021

# ILLINOIS ADMINISTRATIVE CODE

## Issue Index - With Effective Dates

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