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June 7, 2024 Volume 48, 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 2024

Issue#	Rules Due Date	Date of Issue
1	December 26, 2023	January 5, 2024
2	January 2, 2024	January 12, 2024
3	January 8, 2024	January 19, 2024
4	January 16, 2024	January 26, 2024
5	January 22, 2024	February 2, 2024
6	January 29, 2024	February 9, 2024
7	February 5, 2024	February 16, 2024
8	February 13, 2024	February 23, 2024
9	February 20, 2024	March 1, 2024
10	February 26, 2024	March 8, 2024
11	March 4, 2024	March 15, 2024
12	March 11, 2024	March 22, 2024
13	March 18, 2024	March 29, 2024
14	March 25, 2024	April 5, 2024
15	April 1, 2024	April 12, 2024
16	April 8, 2024	April 19, 2024
17	April 15, 2024	April 26, 2024
18	April 22, 2024	May 3, 2024
19	April 29, 2024	May 10, 2024
20	May 6, 2024	May 17, 2024
21	May 13, 2024	May 24, 2024

22	May 20, 2024	May 31, 2024
23	May 28, 2024	June 7, 2024
24	June 3, 2024	June 14, 2024
25	June 10, 2024	June 21, 2024
26	June 17, 2024	June 28, 2024
27	June 24, 2024	July 5, 2024
28	July 1, 2024	July 12, 2024
29	July 8, 2024	July 19, 2024
30	July 15, 2024	July 26, 2024
31	July 22, 2024	August 2, 2024
32	July 29, 2024	August 9, 2024
33	August 5, 2024	August 16, 2024
34	August 12, 2024	August 23, 2024
35	August 19, 2024	August 30, 2024
36	August 26, 2024	September 6, 2024
37	September 3, 2024	September 13, 2024
38	September 9, 2024	September 20, 2024
39	September 16, 2024	September 27, 2024
40	September 23, 2024	October 4, 2024
41	September 30, 2024	October 11, 2024
42	October 7, 2024	October 18, 2024
43	October 15, 2024	October 25, 2024
44	October 21, 2024	November 1, 2024
45	October 28, 2024	November 8, 2024
46	November 4, 2024	November 15, 2024
47	November 12, 2024	November 22, 2024
48	November 18, 2024	December 2, 2024
49	November 25, 2024	December 6, 2024
50	December 2, 2024	December 13, 2024
51	December 9, 2024	December 20, 2024
52	December 16, 2024	December 27, 2024

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Energy Conservation Code
- 2) Code Citation: 71 Ill. Adm. Code 600
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
600.100	Amendment
600.110	Amendment
600.120	Amendment
600.125	New Section
600.200	Amendment
600.220	Amendment
600.300	Amendment
600.305	New Section
600.320	Amendment
600.330	Amendment
600.400	Amendment
600.405	New Section
600.420	Amendment
600.430	Amendment
600.440	Amendment
600.Appendix A	Amendment
600.Appendix B	New Section
600.Appendix C	New Section
- 4) Statutory Authority: Implementing and authorized by the Capital Development Board Act [20 ILCS 3105] and the Energy Efficient Building Act [20 ILCS 3125].
- 5) A Complete Description of the Subjects and Issues Involved: The Energy Efficient Building Act (EEB) requires the adoption of a Stretch Energy Code with separate components for Commercial and Residential buildings. The EEB sets forth maximum site energy indexes relative to the 2006 International Energy Conservation Code (IECC) which are achieved by amending the reference codes with Illinois specific amendments. The Stretch Energy Code is an optional code that municipalities may adopt; the code is mandatory for all projects administered by Capital Development Board.

The EEB also requires the adoption of the Illinois Energy Conservation Code which references the 2021 IECC with amendments contained in Appendix A. No substantive changes are being made to this Appendix A. There are several grammatical changes proposed to correct format, grammar and typographical errors.

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

The Board, through the addition of Appendix B in this Part, is recommending adaptations to various sections of the 2024 IECC Final Draft. This Appendix supplants and adds sections on administration, definitions, and various technical sections related to building envelope; electrical power and lighting systems; total building performance; additions, alterations and repairs of existing buildings; alternative compliance methods; and duct and ventilation requirements for commercial buildings.

The Board, through the addition of Appendix C in this Part, is recommending adaptations to various sections of the 2021 IECC. This Appendix supplants and adds sections on administration, definitions, and various technical sections related to building envelope; electrical power and lighting systems; total building performance; additions, alterations and repairs of existing buildings; alternative compliance methods; and duct and ventilation requirements for residential buildings.

The proposed rule also changes the structure of Part 600 from a single energy code to two energy codes, the Illinois Energy Conservation Code and the Illinois Stretch Energy Code.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: 2021 International Energy Conservation Code® and ANSI/ASHRAE/IES Standard 90.1-2019: Energy Standard for Buildings Except Low-Rise Residential Buildings, 2024 International Energy Conservation Code® and ANSI/ASHRAE/IES Standard 90.1-2022: Energy Standard for Buildings Except Low-Rise Residential Buildings, and 2021 International Residential Code.
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views or arguments

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concerning this proposed rulemaking in writing for a period of 45 days following publication of this Notice. All comments must be in writing and should be addressed to:

Robert Coslow
Professional Services Administrator
Capital Development Board
401 S. Spring Street
3rd Floor Stratton Building
Springfield, Illinois 62706

Telephone: 217-685-4079
E-Mail: CDB.EnergyCodes@illinois.gov

Comments submitted by small business should be identified as such.

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Those that adopt the Stretch Code and are constructing, renovating or adding to commercial and residential building structures or issuing building permit applications.
- B) Reporting, bookkeeping or other procedures required for compliance: Those necessary for regulatory compliance.
- C) Types of professional skills necessary for compliance: Licensed Design Professionals

14) Small Business Impact Analysis:

- A) Types of businesses subject to the proposed rule:
 - 23 Construction
- B) Categories that the agency reasonably believes the rulemaking will impact, including:
 - ii. regulatory requirements
 - vii. training requirements

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NOTICE OF PROPOSED AMENDMENTS

- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because it was not anticipated within that time period.

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

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 71: PUBLIC BUILDINGS, FACILITIES, AND REAL PROPERTY
CHAPTER I: CAPITAL DEVELOPMENT BOARD
SUBCHAPTER d: ENERGY CODES

PART 600

ILLINOIS ENERGY CODES~~CONSERVATION CODE~~

SUBPART A: GENERAL

- Section
- 600.100 Definitions
- 600.110 Adoption and Modification of the Illinois Energy Codes~~Code~~
- 600.120 Illinois Energy Conservation Advisory Council
- 600.125 Illinois Energy Conservation Advisory Council Meetings
- 600.130 Revisions to the Code

SUBPART B: STATE FUNDED FACILITIES

- Section
- 600.200 Illinois Commercial Stretch Energy Code~~Standards for State Funded Facilities~~
- 600.210 Exemptions
- 600.220 Compliance

SUBPART C: PRIVATELY FUNDED COMMERCIAL FACILITIES

- Section
- 600.300 Illinois Energy Conservation Code~~Standards for Privately Funded Commercial Facilities~~
- 600.305 Illinois Commercial Stretch Energy Code
- 600.310 Exemptions
- 600.320 Local Jurisdiction
- 600.330 Compliance
- 600.340 Application to Home Rule Units

SUBPART D: RESIDENTIAL BUILDINGS

- Section
- 600.400 Illinois Energy Conservation Code~~Standards for Residential Buildings~~
- 600.405 Illinois Residential Stretch Energy Code

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NOTICE OF PROPOSED AMENDMENTS

600.410	Exemptions
600.420	Local Jurisdiction
600.430	Compliance
600.440	Application to Home Rule Units

600.APPENDIX A	Illinois Energy Conservation Code Amendments to the Supplanted and Additional 2021 International Energy Conservation Code Sections
600.APPENDIX B	Illinois Commercial Stretch Energy Code Amendments to the 2024 International Energy Conservation Code Final Draft
600.APPENDIX C	Illinois Residential Stretch Energy Code Amendments to the 2021 International Energy Conservation Code

AUTHORITY: Implementing and authorized by the Capital Development Board Act [20 ILCS 3105] and the Energy Efficient Building Act [20 ILCS 3125].

SOURCE: Adopted by emergency rulemaking at 28 Ill. Reg. 11355, effective July 26, 2004, for a maximum of 150 days; emergency rules expired December 22, 2004; adopted at 29 Ill. Reg. 777, effective January 1, 2005; new Part adopted by emergency rulemaking at 29 Ill. Reg. 5736, effective April 8, 2005, for a maximum of 150 days; emergency expired September 4, 2005; emergency rulemaking repealed at 29 Ill. Reg. 6093, effective April 18, 2005, for a maximum of 150 days; emergency expired September 14, 2005; old Part repealed at 29 Ill. Reg. 16414 and new Part adopted at 29 Ill. Reg. 14790, effective April 8, 2006; amended at 31 Ill. Reg. 14422, effective October 9, 2007; emergency amendment at 33 Ill. Reg. 12407, effective August 18, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 16702, effective November 23, 2009; emergency rulemaking at 34 Ill. Reg. 2582, effective January 29, 2010, for a maximum of 150 days; emergency expired June 27, 2010; amended at 34 Ill. Reg. 11398, effective July 26, 2010; amended at 37 Ill. Reg. 789, effective January 11, 2013; amended at 37 Ill. Reg. 12822, effective July 23, 2013; amended at 40 Ill. Reg. 2754, effective January 20, 2016; amended at 43 Ill. Reg. 8707, effective August 5, 2019; amended at 47 Ill. Reg. 17974, effective November 27, 2023; amended at 48 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 600.100 Definitions

Definitions of terms in the International Energy Conservation Code, incorporated by reference in Subpart C of this Part, apply, as do the following definitions:

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NOTICE OF PROPOSED AMENDMENTS

"2024 International Energy Conservation Code Final Draft" means the Public Comments Draft 2 version of the 2024 IECC with approved proposals from the Committee Action Report.

"Act" means the Capital Development Board Act [20 ILCS 3105].

"Authority Having Jurisdiction" or "AHJ" means the organization, office or individual responsible for approving equipment, materials, an installation or procedure.

"CDB" or "Board" means the Illinois Capital Development Board.

"Commercial Facility" means any building except a building that is a residential building as defined in the EEB Act. [20 ILCS 3125/10]

"Council" means the Illinois Energy Conservation Advisory Council appointed under Section 600.120 and whose purpose it is to recommend modifications to the Illinois Energy Conservation Code.

"EEB Act" means the Energy Efficient Building Act [20 ILCS 3125].

"IECC" means the International Energy Conservation Code.

"Illinois Energy Conservation Code" ~~or "Code"~~ means:

~~With respect to the State facilities covered by Subpart B:~~

~~This Part, all additional requirements incorporated within Subpart B (including the 2021 International Energy Conservation Code that encompasses ASHRAE 90.1, including all published errata but excluding published supplements) and any statutorily authorized adaptations to the incorporated standards adopted by CDB;~~

With respect to the privately funded commercial facilities covered by Subpart C Section 600.300:

This Part, all additional requirements incorporated within Subpart C (including the 2021 International Energy Conservation Code that encompasses ASHRAE 90.1, including all published errata

CAPITAL DEVELOPMENT BOARD

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but excluding published supplements, and any statutorily authorized adaptations to the incorporated standards adopted by CDB; and

With respect to the residential buildings covered by Subpart D [Section 600.400](#):

This Part, all additional requirements incorporated within Subpart D (including the 2021 International Energy Conservation Code, including all published errata but excluding published supplements) and any statutorily authorized adaptations to the incorporated standards adopted by CDB.

"Illinois Commercial Stretch Energy Code" or "Commercial Stretch Code" means:

With respect to the State facilities covered by Subpart B and privately funded commercial facilities covered by Subpart C Section 600.305:

This Part, all additional requirements incorporated within Subparts B and C (including the 2024 International Energy Conservation Code Final Draft Commercial Provisions that encompasses ASHRAE 90.1, including all published errata but excluding published supplements) and any statutorily authorized adaptations to the incorporated standards adopted by CDB;

"Illinois Residential Stretch Energy Code" or "Residential Stretch Code" means:

With respect to the residential buildings covered by Subpart D Section 600.405:

This Part, all additional requirements incorporated with Subpart D (including the 2021 International Energy Conservation Code Residential Provisions, including all published errata but excluding published supplements) and any statutorily authorized adaptations to the incorporated standards adopted by CDB.

"Municipality" means any city, village, or incorporated town. [20 ILCS 3125/10]

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"Residential Building" means a detached one-family or 2-family dwelling or any building that is 3 stories or less in height above grade that contains multiple dwelling units, in which the occupants reside on a primarily permanent basis, such as a townhouse, a row house, an apartment house, a convent, a monastery, a rectory, a fraternity or sorority house, a dormitory, and a rooming house; provided, however, that when applied to a building located within the boundaries of a municipality having a population of 1,000,000 or more, the term "residential building" means a building containing one or more dwelling units, not exceeding 4 stories above grade, where occupants are primarily permanent. [20 ILCS 3125/10]

"State Funded Building" means and includes buildings under the jurisdiction of each officer, department, board, commission, institution and body politic and corporate of the State, including the Illinois Building Authority, and any other person expending or encumbering State or federal funds by virtue of an appropriation or other authorization by the General Assembly or federal authorization or grant. This includes State funded *housing, hospitals, penitentiaries, laboratories, educational facilities, administrative facilities, recreational facilities, environmental equipment and parking facilities* [20 ILCS 3105/4.01].

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 600.110 Adoption and Modification of the Illinois Energy Conservation Code

- a) The purpose of the Illinois Energy Conservation Code is to implement Section 15 of the Energy Efficient Building Act [20 ILCS 3125] that requires CDB to officially adopt, as a minimum requirement for ~~State and~~ commercial structures and as a minimum and maximum requirement for residential buildings, the 2021 International Energy Conservation Code, including all published errata but excluding any published supplements, to apply that Illinois Energy Conservation Code to all commercial and residential structures in Illinois, and to assist local code officials with enforcing the requirements of the Illinois Energy Conservation Code. The 2021 Illinois Energy Conservation Code will become effective on January 1, 2024~~adoption of this rulemaking~~.
- b) The purpose of the Illinois Stretch Energy Code is to implement Section 55 of the Energy Efficient Building Act [20 ILCS 3125] that requires CDB to officially adopt, as a minimum requirement for State facilities, commercial structures and

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

residential buildings in municipalities that have adopted the Illinois Stretch Energy Code, an energy code that meets the site energy indexes as outlined in Section 55 of the Energy Efficient Building Act.

- cb) ~~The Illinois Energy Conservation Code as described in Subpart B (State facilities) is effective July 26, 2004. This~~ Code as described in Subpart C (privately-funded commercial facilities) is effective April 8, 2007. The Illinois Energy Conservation Code as described in Subpart D (residential buildings) is effective January 29, 2010. The Illinois Stretch Energy Code as described in Subparts B, C and D (State facilities, privately-funded commercial facilities and residential buildings) is effective upon adoption.
- de) Application of the ~~Codes~~ Code
- 1) State Facilities. The Illinois Commercial Stretch Energy Code as described in Subpart B of this Part applies to all projects to which an energy conservation code is applicable that are authorized or funded in any part by the Board after July 1, 2024. [20 ILCS 3125/55]~~all State facilities for which money has been appropriated or authorized by the General Assembly.~~
 - 2) Privately Funded Commercial Facilities and Residential Buildings. The Illinois Energy Conservation Code or the Illinois Stretch Energy Code if adopted by the local municipality as described in Subparts C and D of this Part applies to any new building or structure in this State for which a building permit application is received by a municipality or county. [20 ILCS 3125/20]
 - A) *Additions, alterations, renovations, or repairs to an existing building, building system or portion thereof shall conform to the provisions of the Code as they relate to new construction without requiring the unaltered portion of the existing building or building system to comply with the Code. [20 ILCS 3125/20(c)]*
 - B) All exceptions listed in the Code related to additions, alterations, renovations, or repairs to an existing building are acceptable provided the energy use of the building is not increased.

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- ed) This Code, together with the standards incorporated by reference in this Part, has the force of a building code and is administrative law applicable in the State of Illinois.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 600.120 Illinois Energy Conservation Advisory Council

- a) The Executive Director of the Capital Development Board shall appoint an Advisory Council. The Council shall be composed of the Executive Director or his or her authorized representative, who shall serve as Chairman ex-officio, and 16 additional members appointed by the Executive Director. The appointed members shall consist of 1 person representing the Illinois Environmental Protection Agency; 2 persons representing the residential construction contracting industry; 2 licensed architects; 1 licensed mechanical engineer; 1 licensed electrical engineer; 2 persons representing local code officials; and 2 persons representing the construction contracting industry; 1 representative from a group that represents environmental justice; 1 representative of a nonprofit or professional association advocating for the environment; 1 energy-efficiency advocate with technical expertise in single-family residential buildings; 1 energy-efficiency advocate with technical expertise in commercial buildings; and 1 energy-efficiency advocate with technical expertise in multifamily buildings, such as an affordable housing developer. Members of the Council shall be appointed for 4 year terms. The members appointed by the Executive Director shall serve for the term of their appointments or until their successors are appointed and may be reappointed upon expiration of the term. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for a full term.
- b) Nine members of the Council shall constitute a quorum. The Chairman shall only vote to break a tie or when necessary to establish a quorum.
- c) The purpose of the Council shall be to recommend modifications to the Illinois Energy Conservation Code and the Illinois Stretch Energy Code.
- d) Members of the Council shall serve without compensation but shall be reimbursed for reasonable travel expenses necessarily incurred in the performance of their duties.

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 600.125 Illinois Energy Conservation Advisory Council Meetings

- a) Public comment will be allowed at the end of each meeting for a period not to exceed 30 minutes or at other times as designated by the Chair. Each person making a public comment will be given up to 3 minutes of uninterrupted time to speak.
- b) The Chair may impose other time restrictions as may be necessary to accommodate all persons wishing to make comment.
- c) Public comment is not permitted except at designated times unless requested by the Chair.
- d) Public comment that is deemed by the Chair to be disruptive to the meeting and prevents the Council from accomplishing its business in an efficient manner, will not be allowed.
- e) The council is not required to answer or respond to any public comment.

(Source: Added at 48 Ill. Reg. _____, effective _____)

SUBPART B: STATE FUNDED FACILITIES

Section 600.200 Illinois Commercial Stretch Energy Code ~~Standards for State Funded Facilities~~

- a) The ~~2024~~2021 IECC Final Draft, including published errata but excluding published supplements, available from the Capital Development Board, 401 S. Spring St., 3rd Floor, Springfield, IL 62706 (cdb.energycodes@illinois.gov) through copyright agreement with International Code Council at 200 Massachusetts Ave, NW Suite 250, Washington DC 20001, phone: 1-888-ICC-SAFE (422-7233), www.iccsafe.org, is hereby incorporated into the Illinois Commercial Stretch Energy ~~Conservation~~ Code, as described in this Subpart as applicable to State funded facilities, with the modifications outlined in subsection (c).

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

- b) All incorporations by reference in this Section are of the cited standards as they existed on the date specified. These incorporations include no later editions or amendments.
- c) Modifications to IECC
Under Section ~~55~~15 of the EEB Act, when applying the Illinois Commercial Stretch Energy Code to State funded facilities, CDB may modify the incorporated standards to meet objectives outlined in the EEB Act. ~~respond to the unique economy, population distribution, geography and climate of Illinois, as long as the objectives of the EEB Act are maintained.~~ Modifications, additions or omissions to the IECC Final Draft are specified in Appendix ~~BA~~ and are rules of the CDB and are not requirements of the IECC.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 600.220 Compliance

Compliance with the Illinois Commercial Stretch Energy ~~Conservation~~ Code for State facilities as described by this Subpart B shall be demonstrated by submission of one of the following:

- a) Buildings certified in compliance with Passive House Institute (PHI) or Passive House Institute U.S. (PHIUS) programs; ~~the compliance forms published in the ASHRAE 90.1 User's Manual;~~
- b) Compliance Certificates generated by the U.S. Department of Energy's COMcheck ~~COMCheck~~ code compliance tool; or
- c) ~~The~~ the seal of the architect/engineer ~~Architect/Engineer~~ as required by Section 14 of the Illinois Architecture Practice Act [225 ILCS 305], Section 12 of the Structural Engineering Licensing Act [225 ILCS 340] and Section 14 of the Illinois Professional Engineering Practice Act [225 ILCS 325].

(Source: Amended at 48 Ill. Reg. _____, effective _____)

SUBPART C: PRIVATELY FUNDED COMMERCIAL FACILITIES

Section 600.300 Illinois Energy Conservation Code ~~Standards for Privately Funded Commercial Facilities~~

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

- a) The 2021 IECC, including published errata but excluding published supplements, available from the International Code Council at 200 Massachusetts Ave, NW Suite 250, Washington, DC 20001, phone: 1-888-ICC-SAFE (422-7233), www.iccsafe.org, is hereby incorporated into the Illinois Energy Conservation Code, as described in this Subpart as applicable to privately funded commercial facilities, with the modifications outlined in subsection (c).
- b) All incorporations by reference in this Section are of the cited standards as they existed on the date specified. These incorporations include no later editions or amendments.
- c) **Modifications to IECC**
Under Section 15 of the EEB Act, when applying the [Illinois Energy Conservation Code](#) to privately funded commercial facilities, CDB may modify the incorporated standards to respond to the unique economy, population distribution, geography and climate of Illinois, as long as the objectives of the EEB Act are maintained. Modifications, additions or omissions to IECC are specified in Appendix A and are rules of the CDB and are not requirements of the IECC.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 600.305 Illinois Commercial Stretch Energy Code

- a) The 2024 IECC Final Draft, including published errata but excluding published supplements, available from the Capital Development Board, 401 S. Spring St., 3rd Floor, Springfield, IL 62706 (cdb.energycodes@illinois.gov) through copyright agreement with International Code Council at 200 Massachusetts Ave, NW Suite 250, Washington, DC 20001, phone: 1-888-ICC-SAFE (422-7233), www.iccsafe.org, is hereby incorporated into the Illinois Commercial Stretch Energy Code, as described in this Subpart as applicable to privately funded commercial facilities, with the modifications outlined in subsection (c).
- b) All incorporations by reference in this Section are of the cited standards as they existed on the date specified. These incorporations include no later editions or amendments.
- c) Modifications to the IECC

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

Under Section 55 of the EEB Act, when applying the Illinois Commercial Stretch Energy Code to privately funded commercial facilities, CDB may modify the incorporated standards to meet objectives outlined in the EEB Act. Modifications, additions or omissions to the IECC Final Draft are specified in Appendix B and are rules of the CDB and are not requirements of the IECC.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 600.320 Local Jurisdiction

- a) Construction projects involving privately funded commercial facilities and for which a municipality or county requires a building permit must comply with the Illinois Energy Conservation Code or the Illinois Stretch Energy Code if adopted by the municipality if the project involves new construction, addition, alteration, renovation or repair. *In the case of any addition, alteration, renovation or repair to an existing commercial structure, the Code as described by this Subpart C applies only to the portions of that structure that are being added, altered, renovated or repaired.* [20 ILCS 3125/20(a)]
- b) The local authority having jurisdiction (AHJ) shall establish its own procedures for enforcement of the Illinois Energy Conservation Code and/or the Illinois Commercial Stretch Energy Code. The AHJ is authorized to enforce an energy~~a~~ building code that differs with the Illinois Energy Conservation Code or the Illinois Commercial Stretch Energy Code as described in this Subpart C, but any standards applied by an AHJ must be at least as stringent as the Code as described in this Subpart C.
- c) *A unit of local government that does not regulate energy efficient building standards is not required to adopt, enforce or administer the Code; however, any energy efficient building standards adopted by a unit of local government must comply with the Act. If a unit of local government does not regulate energy efficient building standards, any construction, renovation or addition to buildings or structures is still subject to the provisions contained in the Act.* [20 ILCS 3125/20(d)]

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 600.330 Compliance

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

- a) Compliance with the Illinois Energy Conservation Code as described by this Subpart C (applicable to commercial facilities) shall be determined by the local authority having jurisdiction (AHJ). Minimum compliance shall be demonstrated by submission of one of the following:
- ~~b) Minimum compliance shall be demonstrated by submission of:~~
- 1) ~~The~~the compliance forms published in the ASHRAE 90.1 User's Manual; or
 - 2) Compliance Certificates generated by the U.S. Department of Energy's COMcheck code compliance tool; or
 - 3) ~~Other~~other comparable compliance materials that meet or exceed, as determined by the authority having jurisdiction, the compliance forms published in the ASHRAE 90.1 User's Manual or the U.S. Department of Energy's COMcheck code compliance tool; or
 - 4) ~~The~~the seal of the ~~architect/engineer~~Architect/Engineer as required by Section 14 of the Illinois Architecture Practice Act [225 ILCS 305], Section 12 of the Structural Engineering Licensing Act [225 ILCS 340] and Section 14 of the Illinois Professional Engineering Practice Act [225 ILCS 325].
- b) Compliance with the Illinois Commercial Stretch Energy Code as described by this Subpart C (applicable to commercial facilities) shall be determined by the local authority having jurisdiction (AHJ). Minimum compliance shall be demonstrated by submission of one of the following:
- 1) Buildings certified in compliance with Passive House Institute (PHI) or Passive House Institute U.S. (PHIUS) programs; or
 - 2) Compliance Certificates generated by the U.S. Department of Energy's COMcheck code compliance tool; or
 - 3) The code official shall be permitted to approve specific computer software, worksheets, compliance manuals and other similar materials that meet the intent of this code; or

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- 4) [The seal of the architect/engineer as required by Section 14 of the Illinois Architecture Practice Act \[225 ILCS 305\], Section 12 of the Structural Engineering Licensing Act \[225 ILCS 340\] and Section 14 of the Illinois Professional Engineering Practice Act \[225 ILCS 325\].](#)

(Source: Amended at 48 Ill. Reg. _____, effective _____)

SUBPART D: RESIDENTIAL BUILDINGS

Section 600.400 [Illinois Energy Conservation Code](#) ~~Standards for Residential Buildings~~

- a) The 2021 IECC, including published errata but excluding published supplements, available from the International Code Council at 200 Massachusetts Ave, NW Suite 250, Washington, DC 20001, phone: 1-888-ICC-SAFE (422-7233), www.iccsafe.org, is hereby incorporated into the Illinois Energy Conservation Code, as described in this Subpart as applicable to residential buildings, with the modifications outlined in subsection (c).
- b) All incorporations by reference in this Section are of the cited standards as they existed on the date specified. These incorporations include no later editions or amendments.
- c) Modifications to IECC
Under Section 15 of the EEB Act, when applying the [Illinois Energy Conservation Code](#) to residential buildings, CDB may modify the incorporated standards to respond to the unique economy, population distribution, geography and climate of Illinois, as long as the objectives of the Act are maintained pursuant to that statutory authority. Modifications, additions or omissions to IECC are specified in Appendix A and are rules of the CDB and are not requirements of the IECC.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 600.405 Illinois Residential Stretch Energy Code

- a) [The 2021 IECC, including published errata but excluding published supplements available from the International Code Council at 500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001, phone: 1-888-ICC-SAFE \(422-7233\), \[www.iccsafe.org\]\(http://www.iccsafe.org\), is hereby incorporated into the Illinois Residential Stretch](#)

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Energy Code, as described in this Subpart as applicable to residential buildings, with modifications outlined in subsection (c).

- b) All incorporations by reference in this Section are of the cited standards as they existed on the date specified. These incorporations include no later editions or amendments.
- c) Modifications to the IECC
Under Section 55 of the EEB Act, when applying the Residential Stretch Energy Code to privately funded residential buildings, CDB may modify the incorporated standards to meet objectives outlined in the EEB Act. Modifications, additions or omissions to the IECC are specified in Appendix C and are rules of the CDB and are not requirements of the IECC.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 600.420 Local Jurisdiction

- a) Construction projects involving residential buildings and for which a municipality or county requires a building permit must comply with the Illinois Energy Conservation Code or the Illinois Residential Stretch Energy Code if adopted by the municipality if the project involves new construction, addition, alteration, renovation or repair. *In the case of any addition, alteration, renovation or repair to an existing residential structure, the Code as described by this Subpart D applies only to the portions of that structure that are being added, altered, renovated or repaired.* [20 ILCS 3125/20(a)]
- b) The local authority having jurisdiction (AHJ) shall establish its own procedures for enforcement of the Code.
- c) *A unit of local government that does not regulate energy efficient building standards is not required to adopt, enforce or administer the Code; however, any energy efficient building standards adopted by a unit of local government must comply with the Act. If a unit of local government does not regulate energy efficient building standards, any construction, renovation or addition to buildings or structures is still subject to the provisions contained in the Act.* [20 ILCS 3125/20(d)].

(Source: Amended at 48 Ill. Reg. _____, effective _____)

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Section 600.430 Compliance

- a) Compliance with the Illinois Energy Conservation Code as described by this Subpart D (applicable to residential buildings) shall be determined by the local AHJ. Minimum compliance shall be demonstrated by submission of one of the following:
- ~~b) Minimum compliance shall be demonstrated by submission of:~~
- 1) Compliance Certificates generated by the U.S. Department of Energy's REScheck code compliance tool; or
 - 2) Other comparable compliance materials that meet or exceed, as determined by the AHJ, U.S. Department of Energy's REScheck code compliance tool; or
 - 3) The seal of the architect/engineer as required by Section 14 of the Illinois Architecture Practice Act [225 ILCS 305], Section 12 of the Structural Engineering Licensing Act [225 ILCS 340] and Section 14 of the Illinois Professional Engineering Practice Act [225 ILCS 325].
- b) Compliance with the Illinois Residential Stretch Energy Code as described by this Subpart D (applicable to residential buildings) shall be determined by the local AHJ. Minimum compliance shall be demonstrated by submission of one of the following:
- 1) Buildings certified in compliance with Passive House Institute (PHI) or Passive House Institute U.S. (PHIUS) programs; or
 - 2) Compliance Certificates generated by the U.S. Department of Energy's REScheck code compliance tool; or
 - 3) The code official shall be permitted to approve specific computer software, worksheets, compliance manuals and other similar materials that meet the intent of this Code; or
 - 4) The seal of the architect/engineer as required by Section 14 of the Illinois Architecture Practice Act [225 ILCS 305], Section 12 of the Structural

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[Engineering Licensing Act \[225 ILCS 340\]](#) and [Section 14 of the Illinois Professional Engineering Practice Act \[225 ILCS 325\]](#).

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 600.440 Application to Home Rule Units

- a) *No unit of local government, including any home rule unit, may regulate energy efficient building standards for residential buildings in a manner that is either less or more stringent than the standards established in this Subpart D.*
- b) *The following entities may regulate energy efficient building standards for residential or commercial buildings in a manner that is more stringent than the provisions contained in this Subpart D:*
 - 1) *A unit of local government, including a home rule unit, that has, on or before May 15, 2009, adopted or incorporated by reference energy efficient building standards for residential or commercial buildings that are equivalent to or more stringent than the 2006 IECC.*
 - 2) *A unit of local government, including a home rule unit, that has, on or before May 15, 2009, provided to the Capital Development Board, as required by Section 10.18 of the Capital Development Board Act [20 ILCS 3105], an identification of an energy efficient building code or amendment that is equivalent to or more stringent than the 2006 IECC.*
 - 3) *A municipality with a population of 1,000,000 or more; ~~and; [20 ILCS 3125/45(b)]~~*
 - 4) *A municipality that has adopted the Illinois Stretch Energy Code [20 ILCS 3125/45(b)].*
- c) *No unit of local government, including any home rule unit or unit of local government that is subject to State regulation under the Code as provided in Section 15 of the EEB may enact any annexation ordinance or resolution, or require or enter into any annexation agreement, that imposes energy efficient building standards for residential or commercial buildings that are either less or more stringent than the energy efficiency standards in effect, at the time of*

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construction, throughout the unit of local government, except for the Illinois Stretch Energy Code. [20 ILCS 3125/45(c)]

(Source: Amended at 48 Ill. Reg. _____, effective _____)

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Section 600.APPENDIX A Illinois Energy Conservation Code Amendments to the Supplanted and Additional 2021 International Energy Conservation Code Sections

The following Code sections shall be referenced in place of the corresponding 2021 IECC sections.

**CHAPTER 1 [CE]
SCOPE AND ADMINISTRATION****SECTION C101
SCOPE AND GENERAL REQUIREMENTS**

C101.1 Title. This Code shall be known as the 2021 Illinois Energy Conservation Code or Code and shall mean:

With respect to the State facilities covered by 71 Ill. Adm. Code 600.Subpart B:

This Part, all additional requirements incorporated within Subpart B (including the 2021 International Energy Conservation Code, including all published errata but excluding published supplements that encompass ASHRAE 90.1-2019), and any statutorily authorized adaptations to the incorporated standards adopted by CDB, are effective January 1, 2024.

With respect to the privately funded commercial facilities covered by 71 Ill. Adm. Code 600.Subpart C:

This Part, all additional requirements incorporated within Subpart C (including the 2021 International Energy Conservation Code, including all published errata and excluding published supplements that encompass ASHRAE 90.1-2019), and any statutorily authorized adaptations to the incorporated standards adopted by CDB, are effective January 1, 2024.

C101.1.1~~C101.1.2~~ Adoption. The Board shall adopt amendments to this Code within 12 months after publication of ~~changes to~~ the 2021 International Energy Conservation Code. Any such update in this Code shall take effect within 6 months after it is adopted by the Board and shall apply to any new building or structure in this State for which a building permit application is received by a municipality or county, except as otherwise provided by the EEB Act.

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~~C101.1.2~~**C101.1.3 Adaptation.** The Board may appropriately adapt the International Energy Conservation Code to apply to the particular economy, population distribution, geography and climate of the State and construction within the State, consistent with the public policy objectives of the EEB Act.

C101.5 Compliance. Commercial buildings shall meet the provisions of the Illinois Energy Conservation Code covered by 71 Ill. Adm. Code 600.Subpart C. The local authority having jurisdiction (AHJ) shall establish its own procedures for enforcement of the Illinois Energy Conservation Code. Minimum compliance shall be demonstrated by submission of:

1. Compliance forms published in the ASHRAE 90.1 User's Manual; or
2. Compliance Certificates generated by the U.S. Department of Energy's COMcheck™ Code compliance tool; or
3. Other comparable compliance materials that meet or exceed, as determined by the AHJ, the compliance forms published in the ASHRAE 90.1 User's Manual or the U.S. Department of Energy's COMcheck™ code compliance tool; or
4. The seal of the architect/engineer as required by Section 14 of the Illinois Architectural Practice Act [225 ILCS 305], Section 12 of the Structural Engineering Licensing Act [225 ILCS 340] and Section 14 of the Illinois Professional Engineering Practice Act [225 ILCS 325].

C102.1.1 Above code programs Code Programs. No unit of local government, including any home rule unit, may apply energy efficient building standards to privately funded commercial facilities in a manner that is less stringent than this Code as described in 71 Ill. Adm. Code 600.Subpart C. However, nothing in the EEB Act or Subpart C prevents a unit of local government from adopting an energy efficiency code or standards that are more stringent than this Code. The requirements identified in Table C407.2 shall be met.

SECTION C110 BOARD OF APPEALS

C110.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this Code, there may be created a board of appeals. The code official shall be an ex officio member of the board of appeals but shall not have a vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt

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rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the code official.

C110.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training.

**CHAPTER 2 [CE]
DEFINITIONS****SECTION C202
GENERAL DEFINITIONS**

APPROVED SOURCE. ~~An **Approved Source**—means an~~ independent person, firm, or corporation, approved by the building official, who is competent and experienced in the application of engineering principles to materials, methods or systems analyses.

AUTHORITY HAVING JURISDICTION~~Authority Having Jurisdiction or (AHJ). The=~~ means the organization, officer or individual responsible for approving equipment, materials, an installation or procedure.

BOARD. ~~The **Board**—means the~~ Illinois Capital Development Board.

COUNCIL. ~~The **Council**—means the~~ Illinois Energy Conservation Advisory Council whose purpose is to recommend modifications to the Illinois Energy Conservation Code.

DEMAND RESPONSE SIGNAL. ~~A **Demand Response Signal**—means a~~ signal that indicates a price or a request to modify electricity consumption for a limited time period.

DEMAND RESPONSIVE CONTROL. ~~A **Demand Responsive Control**—means a~~ control capable of receiving and automatically responding to a demand response signal.

EEB ACT. ~~The **Act**—means the~~ Energy Efficient Building Act [20 ILCS 3125].

PHOTOSYNTHETIC PHOTON EFFICACY (PPE). ~~A **Photosynthetic Photon Efficacy (PPE)**—means a~~ photosynthetic photon flux divided by input electric power in units of micromoles per second per watt, or micromoles per joule as defined by ANSI/ASABE S640.

**CHAPTER 4 [CE]
COMMERCIAL ENERGY EFFICIENCY**

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**SECTION C402
BUILDING ENVELOPE REQUIREMENTS**

C402.4.1.3 Fenestration orientation ~~Orientation~~

The vertical fenestration shall comply with either equation ~~either~~ (a.) or (b.):

- a. $AW \leq (AT)/4$ and $AE \leq (AT)/4$
- b. $AW \times SHGCW \leq (AT \times SHGCC)/5$ and $AE \times SHGCE \leq (AT \times SHGCC)/5$

where:

AW~~Aw~~ = West-oriented~~west-oriented~~ vertical fenestration area (oriented within 45 degrees of true west to the south and within 22.5 degrees of true west to the north in the Northern Hemisphere~~northern hemisphere~~)

AE~~Ae~~ = East-oriented~~east-oriented~~ vertical fenestration area (oriented within 45 degrees of true east to the south and within 22.5 degrees of true east to the north in the Northern Hemisphere~~northern hemisphere~~)

AT = Total~~total~~ vertical fenestration area

SHGCC = SHGC criteria in Table C402.4

SHGCE = SHGC for east-oriented fenestration

SHGCW = SHGC for west-oriented fenestration

Exceptions:

1. Buildings with shade on 75% of the east-oriented and west-oriented vertical fenestration areas from permanent projections, existing buildings, existing permanent infrastructure, or topography at 9 a.m. and 3 p.m., respectively, on the summer solstice (June 21).
2. Alterations and additions with no increase in vertical fenestration area.
3. Buildings where the east-oriented~~west-oriented~~ and west-oriented~~east-oriented~~ vertical fenestration area does not exceed 20% of the gross wall area for each of

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those façades, and SHGC on those facades is no greater than 90% of the criteria in Table C402.4.

C402.5.1 Air ~~barriers~~Barriers. A continuous air barrier shall be provided throughout the building thermal envelope. The air barriers shall be permitted to be located on the inside or outside of the building envelope, located within the assemblies composing the envelope, or any combination thereof. The air barrier shall comply with Sections C402.5.1.1 and C402.5.1.2. For roof air barriers on existing buildings, refer to Section C503.1 or C504.2.

Exception: Air barriers are not required in buildings located in Climate Zone 2B.

C402.5.1.1 Air ~~barrier construction~~Barrier-Construction. The continuous air barrier shall be constructed to comply with the following:

1. The air barrier shall be continuous for all assemblies that are the thermal envelope of the building and across the joints and assemblies.
2. Air barrier joints and seams shall be sealed, including sealing transitions at joints between dissimilar materials. The joints and seals shall be securely installed in or on the joint for its entire length so as not to dislodge, loosen or otherwise impair its ability to resist positive and negative pressure from wind, stack effect and mechanical ventilation.
3. Penetrations of the air barrier shall be caulked, gasketed or otherwise sealed in a manner compatible with the construction materials and location. Sealings shall allow for expansion, contraction and mechanical vibration. Paths for air leakage from the building to the space between the roof deck and roof covering used as an air barrier shall be caulked, gasketed or otherwise covered with a moisture vapor-permeable material. Joints and seams associated with penetrations shall be sealed in the same manner or taped. Sealing materials shall be securely installed around the penetration so as not to dislodge, loosen or otherwise impair the penetrations' ability to resist positive and negative pressure from wind, stack effect and mechanical ventilation. Sealing of concealed fire sprinklers, where required, shall be in a manner that is recommended by the manufacturer. Caulking or other adhesive sealants shall not be used to fill voids between fire sprinkler cover plates and walls or ceilings.
4. Recessed lighting fixtures shall comply with Section C402.5.10~~C402.5.8~~. Where similar objects are installed that penetrate the air barrier, provisions shall be made to maintain the integrity of the air barrier.

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**SECTION C405
ELECTRICAL POWER AND LIGHTING SYSTEMS**

C405.4 Lighting for plant growth and maintenance. All permanently installed luminaires used for plant growth and maintenance shall have a photosynthetic photon efficacy₂ as defined in accordance with ANSI/ASABE S640₂ of not less than 1.7 $\mu\text{mol}/\text{J}$ for greenhouses and not less than 2.2 $\mu\text{mol}/\text{J}$ for all other indoor growing spaces.

Exception: The following buildings are exempt:

1. Buildings with no more than 40kW of aggregate horticultural lighting load.
2. Cannabis facilities subject to 410 ILCS 705/10-45₂- the Cannabis Regulation and Tax Act.

**SECTION C406
ADDITIONAL EFFICIENCY REQUIREMENTS**

C406.1 Additional energy efficiency credit requirements. New buildings shall achieve a total of 10 credits from Tables C406.1(1) through C406.1(5) where the table is selected based on the use group of the building and from credit calculations as specified in relevant subsections of Section C406. Where a building contains multiple-use groups, credits from each use group shall be weighted by floor area of each group to determine the weighted average building credit. Credits from the tables or calculation shall be achieved where a building complies with one or more of the following:

1. More efficient HVAC performance in accordance with Section C406.2.
2. Reduced lighting power in accordance with Section C406.3.
3. Enhanced lighting controls in accordance with Section C406.4.
4. On-site supply of renewable energy in accordance with Section C406.5.
5. Provision of a dedicated outdoor air system for certain HVAC equipment in accordance with Section C406.6.
6. High-efficiency service water heating in accordance with Section C406.7.

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7. Enhanced envelope performance in accordance with Section C406.8.
8. Reduced air infiltration in accordance with Section C406.9
9. Where not required by Section C405.12, include an energy monitoring system in accordance with Section C406.10.
10. Where not required by Section C403.2.3, include a fault detection and diagnostics (FDD) system in accordance with Section C406.11.
11. Efficient kitchen equipment in accordance with Section C406.12.
12. HVAC demand responsive controls and more efficient HVAC performance in accordance with ~~Sections~~Section C406.2 and ~~Section~~ C406.13.
13. ~~Water-heating~~Water-heating demand responsive controls and high-efficiency service water heating in accordance with ~~Sections~~Section C406.7 and ~~Section~~ C406.14.

Modify Table C406.1(1) as follows:

Table C406.1(1) Additional Energy Efficiency Credits for Group B Occupants

Climate Zone:	4A	5A
C406.13 HVAC demand responsive controls	2	2
C406.14 Water-heating demand responsive controls	1	1

Modify Table C406.1(2) as follows:

Table C406.1(2) Additional Energy Efficiency Credits for Group R and I Occupancies

Climate Zone:	4A	5A
C406.13 HVAC demand responsive controls	4	3

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C406.14 Water_ heating demand responsive controls	1	1
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Modify Table C406.1(3) as follows:

Table C406.1(3) Additional Energy Efficiency Credits for Group E Occupancies

Climate Zone:	4A	5A
C406.13 HVAC demand responsive controls	4	4
C406.14 Water_ heating demand responsive controls	1	1

Modify Table C406.1(4) as follows:

Table C406.1(4) Additional Energy Efficiency Credits for Group M Occupancies

Climate Zone:	4A	5A
C406.13 HVAC demand responsive controls	4	3
C406.14 Water_ heating demand responsive controls	NA	NA
	*	*

Modify Table C406.1(5) as follows:

Table C406.1(5) Additional Energy Efficiency Credits for Other* Occupancies

Climate Zone:	4A	5A
C406.13 HVAC demand responsive controls	3	3
C406.14 Water_ heating demand	2	2

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responsive controls		
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C406.1.1 Tenant spaces. Tenant spaces shall comply with sufficient options from Tables C406.1(1) through C406.1(5) to achieve a minimum number of 5 credits, where credits are selected from Section C406.2, C406.3, C406.4, C406.6, C406.7 or C406.10. Where the entire building complies using credits from Section C406.5, C406.8, C406.9, or C406.13 tenant spaces shall be deemed to comply with this section.

C406.13 HVAC demand responsive controls. Buildings shall be provided with demand responsive controls capable of executing the following actions in response to a demand response signal:

1. Automatically increasing the zone operating cooling set point by the following values: 1°F (0.5°C), 2°F (1°C), 3°F (1.5°C), and 4°F (2°C).
2. Automatically decreasing the zone operating heating set point by the following values: 1°F (0.5°C), 2°F (1°C), 3°F (1.5°C), and 4°F (2°C).

Where a demand response signal is not available, the heating and cooling system controls shall be capable of performing all other functions. Where thermostats are controlled by direct digital control, including, but not limited to, an energy management system, the system shall be capable of demand responsive control and capable of adjusting all thermal setpoints to comply. The demand responsive controls shall comply with either Section C406.13.1 or ~~Section C406.13.2.~~

C406.13.1 Air conditioners and heat pumps with two or more stages of control and cooling capacity of less than 65,000 Btu/h. Thermostats for air conditioners and heat pumps with two or more stages of control and a cooling capacity less than 65,000 Btu/h (19 kW) shall be provided with a demand responsive control that complies with the communication and performance requirements of AHRI 1380.

C406.13.2 All other HVAC systems. Thermostats for HVAC systems shall be provided with a demand responsive control that complies with one of the following:

1. Certified OpenADR 2.0a VEN, as specified under Clause 11, Conformance.
2. Certified OpenADR 2.0b VEN, as specified under Clause 11, Conformance.
3. Certified by the manufacturer as being capable of responding to a demand response signal from a certified OpenADR 2.0b VEN by automatically implementing the control functions requested by the VEN for the equipment it controls.
4. IEC 62746-10-1.
5. The communication protocol required by a controlling entity, such as a utility or service provider, to participate in an automated demand response program.

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6. The physical configuration and communication protocol of CTA 2045-A or CTA 2045-B.

C406.14 ~~Water-heating~~Water-heating demand responsive controls. Electric storage water heaters with a rated water storage volume of 40 ~~to 120~~ gallons (150 ~~to 450~~ L) ~~to 120 gallons (450L)~~ and a nameplate input rating equal to or less than 12kW shall be provided with demand responsive controls in accordance with Table C406.14 or another equivalent approved standard.

**TABLE C406.14
DEMAND RESPONSIVE CONTROLS FOR WATER HEATING**

Equipment Type	Controls	
Electric storage water heaters	Manufactured before 7/1/2025	Manufactured on or after 7/1/2025
	ANSI/CTA-2045-B Level 1 and also capable of initiating water heating to meet the temperature set point in response to a demand response signal.	ANSI/CTA-2045-B Level 2, except “Price Stream Communication” functionality as defined in the standard.

**SECTION C407
TOTAL BUILDING PERFORMANCE**

Modify Table C407.2 as follows:

**TABLE C407.2
REQUIREMENTS FOR TOTAL BUILDING PERFORMANCE**

SECTION ^a	TITLE
Envelope	
C402.4.1.3	Fenestration orientation Orientation

Modify Table C407.4.1(1) as follows:

**TABLE C407.4.1(1)
SPECIFICATIONS FOR THE STANDARD REFERENCE AND PROPOSED DESIGNS**

Vertical fenestration other than opaque doors	Area 1. The proposed vertical fenestration area; where the proposed vertical fenestration	As proposed
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	<p>area is less than 40 percent of the above-grade wall area.</p> <p>2. 40 percent of <u>the</u> above grade wall area; where the proposed vertical fenestration area is 40 percent or more of the above grade wall area</p> <p>3. Fenestration orientation shall comply with <u>Section C402.4.1.3.</u></p>	
	U-factor: as specified in Table C402.4	As proposed
	<p>1. SHGC: as specified in Table C402.4, except that for climates with no requirement (NR) SHGC = 0.40 shall be used.</p> <p>2. Fenestration SHGC shall comply with <u>Section C402.4.1.3</u></p>	As proposed
	External shading and PF: none	As proposed

**CHAPTER 5 [CE]
EXISTING BUILDINGS**

**SECTION C503
ALTERATIONS**

C503.2.1 Roof ~~replacement~~Replacement. Roof replacements shall comply with Section C402.1.3, C402.1.4, C402.1.5 or C407 where the existing roof assembly is part of the building thermal envelope and contains insulation entirely above the roof deck. In no case shall the R-value of the roof insulation be reduced or the U-factor of the roof assembly be increased as part of the roof replacement.

Exceptions: Where compliance with Section C402.1 cannot be met due to limiting conditions on an existing roof, an approved design shall be submitted with the following:

1. Construction documents that include a report by a registered design professional or an approved source documenting details of the limiting conditions affecting compliance with the insulation requirements.

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2. Construction documents that include a roof design by a registered design professional or an approved source that minimizes deviation from the insulation requirements.

**Chapter 6 [CE]
Referenced Standards**

ASME

ASME

Two Park Avenue
New York, NY 10016-5990

BPVC~~Boiler and Pressure Vessel Code~~**AHRI**

Air-Conditioning, Heating, & Refrigeration Institute
2111 Wilson Blvd, Suite 500
Arlington, VA 22201

1380-2019

Demand Response through Variable Capacity HVAC Systems in Residential
and Small Commercial Applications
[C406.13.1](#)

ANSI

American National Standards Institute
25 West 43rd Street, 4th Floor
New York, NY 10036

ANSI/CTA-2045-A-2018

Modular Communications Interface for Energy Management

ANSI/CTA-2045-B-2019

Modular Communications Interface for Energy Management

CTA

Consumer Technology Association
1919 S. Eads Street
Arlington, VA 22202

ANSI/CTA-2045-B

Modular Communications Interface for Energy Management
C404.11

IEC

IEC Regional Centre for North America
IEC International Electrotechnical Commission
446 Main Street 16th Floor
Worcester, MA ~~01608~~[016808](#)

IEC 62746-10-1 - 2018

Systems ~~Interface Between Customer Energy Management Systems~~
~~interface between customer energy management system~~ and the ~~Power Management Systems~~
~~power management system~~ – Part 10-1: Open ~~Automated Demand Response~~
~~automated demand response~~
[C406.13.2 \(4\)](#).

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**CHAPTER 1 [RE]
SCOPE AND ADMINISTRATION****SECTION R101
SCOPE AND GENERAL REQUIREMENTS**

R101.1 Title. This Code shall be known as the 2021 Illinois Energy Conservation Code or ~~this Code~~; and shall mean:

With respect to the residential buildings covered by 71 Ill. Adm. Code 600.Subpart D:

This Part, all additional requirements incorporated within Subpart D (including the 2021 International Energy Conservation Code, including all published errata but excluding published supplements) and any statutorily authorized adaptations to the incorporated standards adopted by CDB are effective January 1, 2024.

R101.1.1~~R101.1.2~~ Adoption. The Board shall adopt amendments to this Code within 12 months after publication of ~~changes to~~ the 2021 International Energy Conservation Code. Any such update in this Code shall take effect within 6 months after it is adopted by the Board and shall apply to any new building or structure in this State for which a building permit application is received by a municipality or county, except as otherwise provided by the EEB Act.

R101.1.2~~R101.1.3~~ Adaptation. The Board may appropriately adapt the International Energy Conservation Code to apply to the particular economy, population distribution, geography and climate of the State and construction within the State, consistent with the public policy objectives of the EEB Act.

R101.5 Compliance. Residential buildings shall meet the provisions of the Illinois Energy Conservation Code covered by 71 Ill. Adm. Code 600.Subpart D. The local authority having jurisdiction (AHJ) shall establish its own procedures for enforcement of the Illinois Energy Conservation Code. Minimum compliance shall be demonstrated by submission of:

1. Compliance Certificates generated by the U.S. Department of Energy's REScheck™ Code compliance tool; or
2. Other comparable compliance materials that meet or exceed, as determined by the AHJ, U.S. Department of Energy's REScheck™ Code compliance tool; or

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3. The seal of the architect/engineer as required by Section 14 of the Illinois Architectural Practice Act [225 ILCS 305], Section 12 of the Structural Engineering Licensing Act [225 ILCS 340] and Section 14 of the Illinois Professional Engineering Practice Act [225 ILCS 325].

**SECTION R102
ALTERNATIVE MATERIALS DESIGN AND METHODS
OF CONSTRUCTION AND EQUIPMENT**

R102.1.1 Above ~~code programs~~ **Code Programs**. No unit of local government, including any home rule unit, may regulate energy efficient building standards for residential ~~buildings~~ **building** in a manner that is either less or more stringent than the standards established pursuant to this Code. Buildings shall be considered to be in compliance with this code ~~where such~~ **when those** buildings also meet the requirements identified in Table R405.2 and the building thermal envelope is greater than or equal to levels of efficiency and solar heat gain coefficients (SHGC) in Tables 402.1.1 and 402.1.3 of the 2009 International Energy Conservation Code.

However, the following entities may regulate energy efficient building standards for residential buildings in a manner that is more stringent than the provisions contained in this Code:

- ~~1.i)~~ A unit of local government, including a home rule unit, that has, on or before May 15, 2009, adopted or incorporated by reference energy efficient building standards for residential buildings that are equivalent to or more stringent than the 2006 International Energy Conservation Code. ~~;~~
- ~~2.ii)~~ A unit of local government, including a home rule unit, that has, on or before May 15, 2009, provided to the Capital Development Board, as required by Section 10.18 of the Capital Development Board Act, an identification of an energy efficient building code or amendment that is equivalent to or more stringent than the 2006 International Energy Conservation Code. ~~;~~ **and**
- ~~3.iii)~~ A municipality with a population of 1,000,000 or more.
4. A municipality that has adopted the Illinois Stretch Energy Code.

**SECTION R110
MEANS OF APPEALS**

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R110.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this Code, there may be created a board of appeals. The code official shall be an ex officio member of the board of appeals but shall not have a vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the code official.

R110.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training.

**CHAPTER 2 [RE]
DEFINITIONS****SECTION R202
GENERAL DEFINITIONS**

APPROVED SOURCE. An ~~Approved Source~~—means an independent person, firm, or corporation, approved by the building official, who is competent and experienced in the application of engineering principles to materials, methods or systems analyses.

AUTHORITY HAVING JURISDICTION ~~Authority Having Jurisdiction or (AHJ).~~ The—means the organization, officer or individual responsible for approving equipment, materials, an installation or procedure.

BOARD. The ~~Board~~—means the Illinois Capital Development Board.

COUNCIL. The ~~Council~~—means the Illinois Energy Conservation Advisory Council whose purpose is to recommend modifications to the Illinois Energy Conservation Code.

EEB ACT. The ~~Act~~—means the Energy Efficient Building Act [20 ILCS 3125].

LOCAL EXHAUST. An ~~Local Exhaust~~—means an exhaust system that uses one or more fans to exhaust air from a specific room or rooms within a dwelling.

RESIDENTIAL BUILDING. A ~~Residential Building~~—means a detached one-family or ~~two-family~~ ~~2-family~~ dwelling or any building that is ~~three~~ ~~3~~ stories or less in height above grade that contains multiple dwelling units, in which the occupants reside on a primarily permanent basis, such as a townhouse, a row house, an apartment house, a convent, a monastery, a rectory, a

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fraternity or sorority house, a dormitory and a rooming house; provided, however, that when applied to a building located within the boundaries of a municipality having a population of 1,000,000 or more, the term "residential building" means a building containing one or more dwelling units, not exceeding ~~four~~⁴ stories above grade, where occupants are primarily permanent.

WHOLE-HOUSE MECHANICAL VENTILATION SYSTEM. ~~An~~**Whole House Mechanical Ventilation System**—~~means an~~ exhaust system, supply system or combination thereof that is designed in accordance with Section R403.6 to mechanically exchange indoor air with outdoor air when operating continuously or through a programmed intermittent schedule to satisfy the ~~whole-house~~^{whole house} ventilation rates. Outdoor air intakes and exhausts shall have automatic or gravity dampers that close when the ventilation system is not operating.

**CHAPTER 4 [RE]
RESIDENTIAL ENERGY EFFICIENCY**

**SECTION R401
GENERAL**

R401.2 Application. Residential buildings shall comply with Section R401.2.6 and either Sections R401.2.1, R401.2.2, R401.2.3, R401.2.4 or R401.2.5.

Exception: Additions, alterations, repairs and changes of occupancy to existing buildings complying with Chapter 5.

R401.2.5 ~~Phius~~ **alternative compliance option**~~Alternative Compliance Option~~. The Phius Alternative Compliance Option requires compliance with Section R409.

R401.2.6 Additional energy efficiency. This Section establishes additional requirements applicable to all compliance approaches to achieve additional energy efficiency.

1. For buildings complying with Section R401.2.1, one of the additional efficiency package options shall be installed according to Section R408.2.
2. For buildings complying with Section R401.2.2, the building shall meet one of the following:
 - 2.1. One of the additional efficiency package options in Section R408.2 shall be installed without including such measures in the proposed design under Section R405; or

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- 2.2. The proposed design of the building under Section ~~R405.2~~~~R405.3~~ shall have an annual energy cost that is less than or equal to 95 percent of the annual energy cost of the standard reference design.
3. For buildings complying with the Energy Rating Index alternative Section R401.2.3, the Energy Rating Index value shall be at least 5 percent less than the Energy Rating Index target specified in Table R406.5.

The option selected for compliance shall be identified in the certificate required by Section R401.3.

**SECTION R402
BUILDING THERMAL ENVELOPE**

Modify Table R402.1.2 as follows:

**TABLE R402.1.2
MAXIMUM ASSEMBLY U-FACTORS^a ~~INSULATION~~ AND FENESTRATION
REQUIREMENTS**

CLIMATE ZONE	CEILING U-FACTOR
4 except Marine	0.026
5 and Marine 4	0.026

Modify Table R402.1.3 as follows:

**TABLE R402.1.3
INSULATION MINIMUM R-VALUES AND FENESTRATION
REQUIREMENTS BY COMPONENT^a**

CLIMATE ZONE	CEILING R -VALUE
4 except Marine	49
5 and Marine 4	49

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R402.2.1 Roof/~~ceilings~~Ceilings with ~~attics~~attic spaces. Where Section R402.1.3 requires R-49 insulation in the ceiling or attic, installing R-38 over 100 percent of the ceiling or attic area requiring insulation shall satisfy the requirement for R-49 insulation wherever the full height of uncompressed R-38 insulation extends over the wall top plate at the eaves. ~~Where Section R402.1.3 requires R-60 insulation in the ceiling, installing R-49 over 100 percent of the ceiling area requiring insulation shall satisfy the requirement for R-60 insulation wherever the full height of uncompressed R-49 insulation extends over the wall top plate at the eaves.~~ This reduction shall not apply to the insulation and fenestration criteria in Section R402.1.2 and the Total UA alternative in Section R402.1.5.

R402.2.2 Roof/~~ceilings without attics~~Ceilings Without Attic Spaces. When Section R402.1.3 requires insulation R-values greater than R-30 in the interstitial space above a ceiling and below the structural roof deck, and the design of the roof/ceiling assembly does not allow sufficient space for the required insulation, the minimum required insulation R-value for those roof/ceiling assemblies shall be R-30. Insulation shall extend over the top of the wall plate to the outer edge of the plate and shall not be compressed. This reduction of insulation from the requirements of Section R402.1.3 shall be limited to 500 square feet (46 m²) or 20 percent of the total insulated ceiling area, whichever is less. This reduction shall not apply to the Total UA alternative in Section R402.1.5.

R402.2.8.1 Basement wall insulation installation. Where basement walls are insulated, the insulation shall be installed from the top of the basement wall down to 10 feet (3048 mm) below grade or to within 6 inches (152 mm) of the basement floor, whichever is less.

**SECTION R403
SYSTEMS**

R403.3 Ducts. Ducts and air handlers shall be insulated, sealed, tested and installed in accordance with Sections R403.3.1 through R403.3.7. When required by the code official, duct testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the code official.

R403.3.5 Duct testing.

Ducts shall be pressure tested in accordance with ANSI/RESNET/ICC 380 or ASTM E1554 to determine air leakage by one of the following methods:

1. Rough-in test: Total leakage shall be measured with a pressure differential of 0.1 inch w.g. (25 Pa) across the system, including the manufacturer's air handler enclosure if

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installed at the time of the test. Registers shall be taped or otherwise sealed during the test.

2. Postconstruction test: Total leakage shall be measured with a pressure differential of 0.1 inch w.g. (25 Pa) across the entire system, including the manufacturer's air handler enclosure. Registers shall be taped or otherwise sealed during the test.

Exception: A duct air-leakage test shall not be required for ducts serving ventilation systems that are not integrated with ducts serving heating or cooling systems.

R403.3.6 Duct ~~leakage~~Leakage.

The total leakage of the ducts, where measured in accordance with Section R403.3.5, shall be as follows:

1. Rough-in test: The total leakage shall be less than or equal to 4.0 cubic feet per minute (113.3 L/min) per 100 square feet (9.29 m²) of conditioned floor area where the air handler is installed at the time of the test. Where the air handler is not installed at the time of the test, the total leakage shall be less than or equal to 3.0 cubic feet per minute (85 L/min) per 100 square feet (9.29 m²) of conditioned floor area.

Exception: If the HVAC duct system is serving less than or equal to 1,500 square feet (139.4 m²) of conditioned floor area, the allowable duct leakage with the ~~air handler~~ air handler installed shall be 60 cubic feet per minute (1700 L/min) or less.

2. Postconstruction ~~5~~test: Total leakage shall be less than or equal to 4.0 cubic feet per minute (113.3 L/min) per 100 square feet (9.29 m²) of conditioned floor area.

Exception: If the HVAC duct system is serving less than or equal to 1,500 square feet (139.4 m²) of conditioned floor area, the allowable duct leakage shall be 60 cubic feet per minute (1700 L/min) or less.

3. Test for ducts within thermal envelope: Where all ducts and air handlers are located entirely within the building thermal envelope, total leakage shall be less than or equal to 8.0 cubic feet per minute (226.6 L/min) per 100 square feet (9.29 m²) of conditioned floor area.

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Exception: If the HVAC duct system is serving less than or equal to 750 square feet (69.7 m²) of conditioned floor area, the allowable duct leakage with the air handler~~air handler~~ installed shall be 60 cubic feet per minute (1700 L/min) or less.

R403.6 Mechanical ventilation~~Ventilation~~. The buildings~~building~~ or dwelling units~~unit~~ complying with Section R402.4.1 shall be provided with ventilation that complies with the requirements of this section or the International Mechanical Code, as applicable, or with other approved means of ventilation. Outdoor air intakes and exhausts shall have automatic or gravity dampers that close when the ventilation system is not operating.

R403.6.4 Recirculation of air~~Air~~. Exhaust air from bathrooms and toilet rooms shall not be recirculated within a residence or circulated to another dwelling unit and shall be exhausted directly to the outdoors. Exhaust air from bathrooms, toilet rooms and kitchens shall not discharge into an attic, crawl space or other areas inside the building. This section shall not prohibit the installation of ductless range hoods when installed in accordance with the manufacturer's instructions, and where mechanical or natural ventilation is otherwise provided, listed and labeled ductless range hoods shall not be required to discharge to the outdoors.

R403.6.5 Exhaust equipment. Exhaust fans and whole-house ventilation fans shall be listed and labeled as providing the minimum required airflow in accordance with ANSI/AMCA 210-ANSI/ASHRAE 51.

R403.6.6 Whole-house mechanical ventilation system~~Mechanical Ventilation System~~. Whole-house mechanical ventilation systems shall be designed in accordance with Sections R403.6.6.1 through R403.6.6.4.

R403.6.6.1 System design~~Design~~. The whole-house ventilation system shall consist of one or more supply or exhaust fans, or a combination of such, and associated ducts and controls. Local exhaust or supply fans are permitted to serve as such a system. Outdoor air ducts connected to the return side of an air handler shall be considered to provide supply ventilation.

R403.6.6.2 System controls~~Controls~~. The whole-house mechanical ventilation system shall be provided with controls that enable manual override. Controls shall include text or a symbol indicating their function.

R403.6.6.3 Mechanical ventilation rate~~Ventilation Rate~~. The whole house mechanical ventilation system shall provide outdoor air at a continuous rate of not less than that determined in accordance with Table R403.6.6.3(1) or Equation 4-0.

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Ventilation rate in cubic feet per minute = (0.01 x total square foot area of house) + [7.5 x (number of bedrooms +1)] Equation 4-0

Exceptions:

1. Ventilation rate credit. The minimum mechanical ventilation rate determined in accordance with Table R403.6.6.3(1) or Equation 4-0 shall be reduced by 30 percent, provided that both of the following conditions apply:
 - 1.1. A ducted system supplies ventilation air directly to each bedroom and to one or more of the following rooms:
 - 1.1.1. Living room.
 - 1.1.2. Dining room.
 - 1.1.3. Kitchen.
 - 1.2. The whole-house ventilation system is a balanced ventilation system.
2. Programmed intermittent operation. The whole-house mechanical ventilation system is permitted to operate intermittently where the system has controls that enable operation for not less than 25 percent of each 4-hour segment and the ventilation rate in Table R403.6.6.3(1), ~~by~~ Equation 4-0 or ~~by~~ Exception 1 is multiplied by the factor determined in accordance with Table R403.6.6.3(2).

R403.6.6.3.1 Different ~~occupant density~~ **Occupant Density.** Table R403.6.6.3(1) assumes 2 persons in a dwelling unit and an additional person for each additional bedroom. When higher occupant densities are known, the airflow rate shall be increased by 7.5 cfm (3.5 L/s) for each additional person. When approved by the authority having jurisdiction, lower occupant densities may be used.

R403.6.6.3.2 Airflow ~~measurement~~ **Measurement.** The airflow rate required is the quantity of outdoor ventilation air supplied and/or indoor air exhausted by the whole-house mechanical ventilation system installed, and shall be measured using a flow hood, flow grid, or other airflow measuring device. Ventilation airflow of systems with multiple operating modes shall be tested in all modes designed to meet Section R403.6.6.3. ~~Where~~ **When** required by the code official, testing shall be conducted by an approved third party. A written report of the results of the test, indicating the verified airflow rate, shall be signed by the party conducting the test and provided to the code official.

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R403.6.6.4 Local ~~exhaust rates~~ Exhaust Rates. Local exhaust systems shall be designed to have the capacity to exhaust the minimum ~~airflow~~ ~~air-flow~~ rate determined in accordance with Table R403.6.6.4.

**TABLE R403.6.6.3(1)
CONTINUOUS WHOLE-HOUSE MECHANICAL
VENTILATION SYSTEM AIRFLOW RATE REQUIREMENTS**

DWELLING UNIT FLOOR AREA (square feet)	NUMBER OF BEDROOMS				
	0 - 1	2 - 3	4 - 5	6 - 7	> 7
	Airflow in cfm CFM				
< 1,500	30	45	60	75	90
1,501 - 3,000	45	60	75	90	105
3,001 - 4,500	60	75	90	105	120
4,501 - 6,000	75	90	105	120	135
6,001 - 7,500	90	105	120	135	150
> 7,500	105	120	135	150	165

For SI: 1 square foot = 0.0929 m², 1 cubic foot per minute = 0.0004719 m³/s.

**TABLE R403.6.6.3(2)
INTERMITTENT WHOLE-HOUSE MECHANICAL
VENTILATION RATE FACTORS^{a, b}**

RUN-TIME PERCENTAGE IN EACH 4-HOUR SEGMENT	25%	33%	50%	66%	75%	100%
Factor ^a	4	3	2	1.5	1.3	1.0

^a For ventilation system run time values between those given, the factors are permitted to be determined by interpolation.

^b Extrapolation beyond the table is prohibited.

**TABLE R403.6.6.4
MINIMUM REQUIRED LOCAL EXHAUST RATES FOR
ONE- AND TWO-FAMILY DWELLINGS**

AREA TO BE EXHAUSTED	EXHAUST RATES ^a
Kitchens	100 cfm intermittent or 25 cfm continuous

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Bathrooms-Toilet Rooms	Mechanical exhaust capacity of 50 cfm intermittent or 20 cfm continuous
------------------------	---

For SI: 1 cubic foot per minute = 0.0004719 m³/s.

- a. The listed exhaust rate for bathrooms-toilet rooms shall equal or exceed the exhaust rate at a minimum static pressure of 0.25 inch water column, in accordance with Section R403.6.5.

Modify Table R405.2 as follows:

TABLE R405.2
REQUIREMENTS FOR TOTAL BUILDING PERFORMANCE

<u>SECTION^a</u>	<u>TITLE</u>
<u>General</u>	
<u>R401.2.6</u>	<u>Additional energy efficiency</u>

Modify Table R406.2 as follows:

TABLE R406.2
REQUIREMENTS FOR ENERGY RATING INDEX

<u>SECTION^a</u>	<u>TITLE</u>
<u>General</u>	

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R401.2.6	Additional efficiency packages

SECTION R408
ADDITIONAL EFFICIENCY PACKAGE OPTIONS

R408.1 Scope. This section establishes additional efficiency package options to achieve additional energy efficiency in accordance with Section R401.2.6.

SECTION R409
PHIUS ALTERNATIVE COMPLIANCE OPTION

R409.1 Scope. This section establishes criteria for compliance via the Phius 2021 Standard.

R409.2 Phius ~~standard~~Standard compliance. Compliance based on the Phius 2021 Standard will include its United States Department of Energy (USDOE) Energy Star and Zero Energy Ready Home ~~corequisites~~~~co-requisites~~, and either performance calculations by Phius-approved software or through the use of the Phius 2021 Prescriptive Path.

R409.2.1 Phius documentation. Prior to the issuance of a building permit, the following items must be provided to the code official:

1. A list of compliance features.
2. A Phius precertification letter.

R409.2.2 Project certificate. Prior to the issuance of a certificate of occupancy, a Phius 2021 (or later) project certificate~~the following item~~ must be provided to the code official.:

- ~~1. A Phius 2021 (or later) project certificate.~~

SECTION R503
ALTERATIONS

R503.1.1.2 Roof ~~replacement~~Replacement. Insulation shall comply with Section R402.1. Alternatively, where limiting conditions prevent compliance with Section R402.1, an approved

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design that minimizes deviation from Section R402.1 shall be provided for the following alterations:

1. Roof replacements or a roof alteration that includes removing and replacing the roof covering where the roof assembly includes insulation entirely above the roof deck. Where, ~~where~~ limiting conditions require use of an approved design to minimize deviation from Section R402.1 for a Group R-2 building, a registered design professional or other approved source shall provide construction documents that identify the limiting conditions and the means to address them.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

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Section 600.APPENDIX B Illinois Commercial Stretch Energy Code Amendments to the 2024 International Energy Conservation Code Final Draft

The following Code sections shall be referenced in place of the corresponding 2024 IECC Final Draft sections.

CHAPTER 1 [CE] SCOPE AND ADMINISTRATION**User note:**

About this chapter: Chapter 1 establishes the limits of applicability of the code and describes how the code is to be applied and enforced. **Chapter 1** is in two parts: Part 1 – Scope and Application and Part 2 – Administration and Enforcement. **Section C101**, identifies what buildings, systems, appliances and equipment fall under its purview and references other I-Codes as applicable. Standards and codes are scoped to the extent referenced.

The code is intended to be adopted as a legally enforceable document and it cannot be effective without adequate provisions for its administration and enforcement. The provisions of **Chapter 1** establish the authority and duties of the code official appointed by the authority having jurisdiction and also establish the rights and privileges of the design professional, contractor and property owner.

PART 1 – SCOPE AND APPLICATION**SECTION C101**
SCOPE AND GENERAL REQUIREMENTS

C101.1 Title. This code shall be known as the 2023 Illinois Commercial Stretch Energy Code and shall mean:

With respect to the State facilities covered by 71 Ill. Adm. Code 600.Subpart B:

This Part, all additional requirements incorporated within Subpart B (including the 2024 International Energy Conservation Code Final Draft Commercial Provisions, including all published errata but excluding published supplements that encompass ASHRAE 90.1-2022), and any statutorily authorized adaptations to the incorporated standards adopted by CDB are effective 7/1/24.

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With respect to the privately funded commercial facilities covered by 71 Ill. Adm. Code 600.Subpart C:

This Part, all additional requirements incorporated within Subpart C (including the 2024 International Energy Conservation Code Final Draft Commercial Provisions, including all published errata and excluding published supplements that encompass ASHRAE 90.1-2022), and any statutorily authorized adaptations to the incorporated standards adopted by CDB is effective upon adoption by a Municipality and takes the place of the Illinois Energy Conservation Code with respect to commercial buildings.

No unit of local government, including any home rule unit, may regulate energy efficient building standards for commercial buildings in a manner that is less stringent than the standards established pursuant to this Illinois Commercial Stretch Energy Code.

C101.1.1 Adoption. The Board shall adopt amendments to this Code and include site energy index standards as established in the Energy Efficient Building Act [20 ILCS 3125/55] as follows:

By June 30, 2024 with a site energy index no greater than .60 of the 2006 IECC;
By December 31, 2025 with a site energy index no greater than .50 of the 2006 IECC;
By December 31, 2028 with a site energy index no greater than .44 of the 2006 IECC;
By December 31, 2031 with a site energy index no greater than .39 of the 2006 IECC.

C101.2 Scope. This code applies to the design and construction of buildings not covered by the scope of the IECC – Residential Provisions.

C101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

C101.3 Intent. The International Energy Conservation Code – Commercial Provisions provide market-driven, enforceable requirements for the design and construction of commercial buildings, providing minimum efficiency requirements for buildings that result in the maximum level of energy efficiency that is safe, technologically feasible, and life cycle cost effective, considering economic feasibility, including potential costs and savings for consumers and building owners, and return on investment. Additionally, the code provides jurisdictions with supplemental requirements, including ASHRAE 90.1, and optional requirements that lead to achievement of zero energy buildings, presently, and through glidepaths that achieve zero energy buildings by 2030 and on additional timelines sought by governments, and achievement of additional policy goals as identified by the Energy and Carbon Advisory Council and approved

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by the Board of Directors. Requirements contained in the code will include, but not be limited to, prescriptive- and performance-based pathways. The code may include non-mandatory appendices incorporating additional energy efficiency and greenhouse gas reduction resources developed by the Code Council and others. The code will aim to simplify code requirements to facilitate the code's use and compliance rate. The code is updated on a three-year cycle with each subsequent edition providing increased energy savings over the prior edition. This code is intended to provide flexibility to permit the use of innovative approaches and techniques to achieve this intent. This code is not intended to abridge safety, health or environmental requirements contained in other applicable codes or ordinances.

C101.4 Compliance. Commercial buildings shall meet the provisions of the Illinois Commercial Stretch Energy Code covered by 71 Ill. Adm. Code 600 Subpart C. The local authority having jurisdiction (AHJ) shall establish its own procedures for enforcement of the Illinois Commercial Stretch Energy Code. Minimum compliance shall be demonstrated by submission of:

C101.4.1 Compliance materials. The code official shall be permitted to approve specific computer software, worksheets, compliance manuals and other similar materials that meet the intent of this code; or

C101.4.2 Professional seals. The seal of the architect/engineer as required by Section 14 of the Illinois Architectural Practice Act [225 ILCS 305], Section 12 of the Structural Engineering Licensing Act [225 ILCS 340] and Section 14 of the Illinois Professional Engineering Practice Act [225 ILCS 325]; or

C101.4.3 COMcheck.TM Compliance Certificates generated by the U.S. Department of Energy's COMcheckTM Code compliance tool.

SECTION C102
APPLICABILITY

C102.1 Applicability. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.

C102.1.1 Mixed residential and commercial buildings. Where a building includes both residential building and commercial building portions, each portion shall be separately considered and meet the applicable provisions of Illinois Commercial Stretch Energy Code or the Illinois Residential Stretch Energy Code.

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C102.2 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

C102.3 Applications of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

C102.4 Referenced codes and standards. The codes and standards referenced in this code shall be those listed in Chapter 6, and such codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections C102.4.1 and C102.4.2.

C102.4.1 Conflicts. Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

C102.4.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

C102.5 Partial invalidity. If a portion of this code is held to be illegal or void, such a decision shall not affect the validity of the remainder of this code.

PART 2 – ADMINISTRATION AND ENFORCEMENT

SECTION C103

**ALTERNATIVE MATERIALS, DESIGN AND METHODS OF
CONSTRUCTION AND EQUIPMENT**

C103.1 General. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. The code official shall have the authority to approve an alternative material, design or method of construction upon the written application of the owner or the owner's authorized agent. The code official shall first find that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability, energy conservation and safety. The code official shall respond to the applicant, in writing, stating the reasons why the alternative was approved or was not approved.

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C103.1.1 Above code programs. Buildings certified in compliance with Passive House Institute (PHI) or Passive House Institute U.S. (PHIUS) programs, or buildings that comply with Appendix CC, shall be deemed to meet the requirements of this code where such buildings also meet the requirements identified in Table C407.2(1).

SECTION C104
CODE COMPLIANCE AGENCY

C104.1 Creation of enforcement agency. The [INSERT NAME OF DEPARTMENT] is hereby created and the official in charge thereof shall be known as the authority having jurisdiction (AHJ). The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

C104.2 Appointment. The authority having jurisdiction (AHJ) shall be appointed by the chief appointing authority of the jurisdiction.

C104.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the authority having jurisdiction (AHJ) shall have the authority to appoint a deputy authority having jurisdiction (AHJ), other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the authority having jurisdiction (AHJ).

SECTION C105
CONSTRUCTION DOCUMENTS

C105.2.2 Electrification system. The construction documents shall provide details for additional electric infrastructure, including branch circuits, conduit, pre-wiring, panel capacity, and electrical service capacity, as well as interior and exterior spaces designated for future electric equipment, in compliance with the provisions of this code.

SECTION C107
INSPECTIONS

C107.2.5 Electrical system. Inspection shall verify lighting system controls, components, meters, and electric infrastructure as required by the code, approved plans and specifications. Where an electrical energy storage system area is required, inspections shall verify space availability and pathways to electrical service.

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SECTION C202
GENERAL DEFINITIONS

2024 INTERNATIONAL ENERGY CONSERVATION CODE FINAL DRAFT. The draft version of the 2024 IECC which includes changes from Public Comment Draft #2 and approved proposals from the Committee Action Report.

COMMERCIAL COOKING APPLIANCE. Appliances used in a commercial food service establishment for heating or cooking food. For the purpose of this definition, a commercial food service establishment is where food is regularly prepared for sale or is prepared on a scale that is by volume and frequency not representative of domestic household cooking.

ELECTRIC VEHICLE CAPABLE SPACE (EV CAPABLE SPACE). An automobile parking space provided with electrical infrastructure including raceway or cable assemblies, electrical capacity, and electrical distribution equipment space, necessary for connection to an EVSE.

REPLACEMENT COST. The cost to construct or replace an entire building with equal quality, construction type, and square footage, at current construction market labor and material rates.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure, the cost of which equals or is more than 50% of the market value replacement cost of the structure before the improvement or repair is started. Where the structure has sustained substantial damage, as defined in the International Building Code, any repairs are considered substantial improvement regardless of the actual repair work performed. Substantial improvement does not include the following:

1. Improvement of a building ordered by the code official to correct health, sanitary or safety code violations and that are the minimum necessary to assure safe living conditions.
2. Alteration of a historic building where the alteration will not affect the designation as a historic structure.

SECTION C401
GENERAL

C401.2 Application. Commercial buildings shall comply with Section C401.2.1 or C401.2.2.

C401.2.1 Commercial buildings shall comply with one of the following:

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1. Prescriptive Compliance. The Prescriptive Compliance option requires compliance with Sections C402 through C406 and Section C408. Dwelling units and sleeping units in Group R-2 buildings shall be deemed to be in compliance with this chapter, provided that they comply with Section R406.
2. Simulated Building Performance. The Simulated Building Performance option requires compliance with Section C407.

Exception: Additions, alterations, repairs and changes of occupancy to existing buildings complying with Chapter 5.

C401.2.2 ASHRAE 90.1. Commercial buildings shall comply with the requirements of ANSI/ASHRAE/IES 90.1, Appendix CI, and the requirements of the sections indicated within Table C401.2.2.

TABLE C401.2.2 REQUIREMENTS FOR ASHRAE 90.1 COMPLIANCE

<u>SECTION^a</u>	<u>TITLE</u>
<u>New Construction</u>	
<u>C405.4</u>	<u>Horticultural lighting</u>
<u>C405.14</u>	<u>Electric Vehicle Power Transfer Infrastructure</u>
<u>C405.16</u>	<u>Electrical energy storage system</u>
<u>C405.18</u>	<u>Electric infrastructure</u>
<u>Additions and Alterations</u>	
<u>C502.3.7</u>	<u>Additional energy efficiency credits</u>
<u>C503.3.4</u>	<u>Mechanical system acceptance testing</u>
<u>C503.3.5</u>	<u>Duct testing</u>
<u>C503.3.6</u>	<u>Controls</u>

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<u>C503.3.7</u>	<u>System sizing</u>
<u>C503.6</u>	<u>Additional energy efficiency credits</u>
<u>C505.1.3</u>	<u>Additional energy efficiency for changes of occupancy</u>

^a Reference to a code section includes all the relative subsections as indicated in the table.

SECTION C402
BUILDING THERMAL ENVELOPE REQUIREMENTS

C402.5.1.3 Fenestration orientation.

The vertical fenestration shall comply with either equation (a) or (b):

- a. $AW \leq (AT)/4$ and $AE \leq (AT)/4$
b. $AW \times SHGCW \leq (AT \times SHGCC)/5$ and $AE \times SHGCE \leq (AT \times SHGCC)/5$

Where:

- AW ≡ West-oriented vertical fenestration area (oriented within 45 degrees of true west to the south and within 22.5 degrees of true west to the north in the Northern Hemisphere)
AE ≡ East-oriented vertical fenestration area (oriented within 45 degrees of true east to the south and within 22.5 degrees of true east to the north in the Northern Hemisphere)
AT ≡ Total vertical fenestration area
SHGCC ≡ SHGC criteria in Table C402.5
SHGCE ≡ SHGC for east-oriented fenestration
SHGCW ≡ SHGC for west-oriented fenestration

Exceptions:

1. Buildings with shade on 75% of the east-oriented and west-oriented vertical fenestration areas from permanent projections, existing buildings, existing permanent infrastructure, or topography at 9 a.m. and 3 p.m., respectively, on the summer solstice (June 21).
2. Alterations and additions with no increase in vertical fenestration area.

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3. Buildings where the east-oriented and west-oriented vertical fenestration area does not exceed 20% of the gross wall area for each of those façades, and SHGC on those facades is no greater than 90% of the criteria in Table C402.5.

SECTION C405
ELECTRICAL POWER AND LIGHTING SYSTEMS

C405.4 Horticultural lighting. Permanently installed luminaires shall have a photosynthetic photon efficacy of not less than 1.7 $\mu\text{mol}/\text{J}$ for horticultural lighting in greenhouses and not less than 2.2 $\mu\text{mol}/\text{J}$ for all other horticultural lighting. Luminaires for horticultural lighting in greenhouses shall be controlled by a device that automatically turns off the luminaire when sufficient daylight is available. Luminaires for horticultural lighting shall be controlled by a device that automatically turns off the luminaire at specific programmed times.

Exception: Cannabis facilities subject to 410 ILCS 705/10-45 – the Cannabis Regulation and Tax Act.

C405.14.2 EV Capable spaces. Each EV capable space used to meet the requirements of Section C405.14.1 shall comply with the following:

1. A continuous raceway or cable assembly shall be installed between an enclosure or outlet located within 3 feet (914 mm) of the EV capable space and electrical distribution equipment.
2. Installed raceway or cable assembly shall be sized and rated to supply a minimum circuit capacity in accordance with C405.14.5.
3. The electrical distribution equipment to which the raceway or cable assembly connects shall have dedicated overcurrent protection device space and electrical capacity to supply a calculated load in accordance with Section C405.14.5.
4. The enclosure or outlet and the electrical distribution equipment directory shall be marked: "For electric vehicle supply equipment (EVSE)."

C405.14.6 EVSE installation. EVSE shall be installed in accordance with NFPA 70 and shall be listed and labeled in accordance with UL 2202 or UL 2594. EVSE shall be accessible in accordance with the 2024 edition of the International Building Code Section 1107.

C405.16 Electrical energy storage system. Buildings shall comply with Section C405.16.1 or Section C405.16.2. Buildings shall comply with Section C405.16.3.

C405.16.1 Electrical energy storage system (ESS) capacity. Each building shall have one or more ESS with a total rated energy capacity and rated power capacity as follows:

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1. ESS rated energy capacity (kWh) $\geq 1.0 \times$ Installed On-site Renewable Electric Energy System Rated Power (kWDC)
2. ESS rated power capacity (kW) $\geq 0.25 \times$ Installed On-Site Renewable Electric Energy System Rated Power (kWDC).

Where installed, DC coupled battery systems shall meet the requirements for rated energy capacity alone.

C405.16.2 Electrical energy storage system ready. Each building shall have one or more reserved ESS-ready areas to accommodate future electrical storage.

C405.16.3 Electrical energy storage installed or ready area. Areas where ESS is installed and ESS-ready areas shall comply with Sections C405.16.3.1 through C405.16.3.4.

C405.16.3.1 ESS installed or ready location. Each ESS installed or ready area shall be located in accordance with either Section 1207 of the 2024 International Fire Code or NFPA 855. For the purposes of locating and designing means of egress, ESS-installed or ready areas shall comply with either i) means of egress requirements for H-Occupancies of the 2024 International Fire Code or ii) Sections 7.2.1.4.2(3) and 7.11 of NFPA 101 (2015).

C405.16.3.2 ESS installed or ready minimum area requirements. Each ESS installed or ready area shall be sized in accordance with the spacing requirements of (i) either Section 1207 of the 2024 edition of the International Fire Code or NFPA 855 and (ii) the UL9540 or UL9540A designated rating of the planned system. Where rated to UL9540A, the area shall be sized in accordance with the manufacturer's instructions.

C405.16.3.3 Electrical distribution equipment. The onsite electrical distribution equipment shall have sufficient capacity, rating, and space to allow installation of overcurrent devices and circuit wiring in accordance with NFPA 70 for actual or future electrical ESS installation complying with the capacity criteria of Section C405.16. 3.4.

C405.16.3.4 ESS installed or ready minimum system capacity. Compliance with ESS-ready requirements in Sections C405.16.3.1 through C405.16.3.3 shall be based on a minimum total energy capacity and minimum rated power capacity as follows:

1. ESS rated energy capacity (kWh) \geq gross conditioned floor area of the three largest floors (ft²) x 0.0008 kWh/ft²

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2. ESS rated power capacity (kWh) \geq gross conditioned floor area of the three largest floors (ft²) x 0.0002 kWh/ft²

C405.18 Electric infrastructure. New group R-2 occupancies that use fossil fuels for space heating, service water heating, cooking, or clothes drying shall install electric infrastructure in accordance with C405.18.1 through C405.18.5 and Section C105.2.2.

C405.18.1 Space heating. Locations with piping for fossil fuel warm-air furnaces and fossil fuel boilers shall comply with Section C405.18.1.1 or C405.18.1.2, as applicable.

Exception to C405.18.1: Where a branch circuit exists for space cooling equipment with the capacity to serve heat pump space heating equipment sized in accordance with the requirements of Section C403.1.1.

C405.18.1.1 Low-capacity space heating. Locations of fossil fuel warm-air furnaces with capacity less than 225,000 Btu/hr (65.9kW) and boilers with a capacity less than 300,000 Btu/hr (88kW) shall be provided with an individual branch circuit in accordance with all of the following:

1. The branch circuit conductors shall terminate within 6 ft (2 m) of the location of the space heating equipment and shall be in a location with ready access.
2. The branch circuit shall be sized to serve heat pump space heating equipment sized in accordance with the requirements of Section C403.1.1, and
3. The branch circuit overcurrent device and the termination of the branch circuit shall be labeled "For future heat pump space heating equipment".

C405.18.1.2 Other space heating equipment. Locations of fossil fuel space heating equipment not covered under C405.18.1.1 shall be provided with a raceway in accordance with all of the following:

1. The raceway shall be continuous from a branch circuit panel to a junction box located within the same space as the equipment or, where the equipment is located on the exterior of the building, within 3 ft (1m) of the equipment.
2. The junction box, raceway, bus bar in the electric panel and conductors serving the electrical panel shall be sized to serve electric space heating equipment sized to serve the same load as the fossil fuel space heating equipment.
3. The electrical panel shall have sufficient reserved physical space for branch circuit overprotection devices sized to serve electric equipment sized to serve the same load as the fossil fuel space heating appliance,

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4. The point of origin and the termination of the raceway shall be labeled "For future heat pump space heating equipment."

C405.18.2 Water heating. Locations with piping for fossil fuel water heaters shall comply with Section C405.18.2.1 or C405.18.2.2, as applicable.

C405.18.2.1 Low-capacity water heating. Locations of fossil fuel water heaters with an input rating of less than 300,000 Btu/hr (88kW) shall comply with all of the following:

1. An individual 30 ampere, 208/240-volt branch circuit shall be provided and terminate within 6 ft (2 m) of the water heater and shall be in a location with ready access.
2. The branch circuit overcurrent protection device and the termination of the branch circuit shall be labeled "For future electric water heater".
3. The space for containing the future water heater shall have a height of not less than 7 ft (2 m), a width of not less than 3 ft (1 m), a depth of not less than 3ft (1 m) and with a volume of not less than 700 ft³ (20 m³).

Exception to C405.18.2.1: Where the space containing the water heater provides for air circulation sufficient for the operation of a heat pump water heater, the minimum room volume shall not be required.

C405.18.2.2 Other water heating. Locations of fossil fuel water heating equipment not covered by Section C405.18.2.1 shall be provided with a raceway in accordance with all of the following:

1. The raceway shall be continuous from an electric panel to a junction box located within the same space as the equipment or, where the equipment is located on the exterior of the building, within 3 ft (1m) of the equipment.
2. The junction box, raceway, and bus bar in the electric panel and conductors serving the electric panel shall be sized to accommodate electric water heating equipment sized to serve the same load as the fossil fuel water heating equipment.
3. The electric panel shall have sufficient reserved physical space for branch circuit overprotection devices sized to serve electric water heating equipment sized to serve the same load as the fossil fuel water heating equipment.
4. The point of origin and termination of the raceway shall be labeled "For future electric water heating appliance."

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C405.18.3 Non-commercial cooking. Locations of fossil fuel ranges, cooktops and ovens that are not commercial cooking appliances shall be provided with a dedicated individual branch circuit in accordance with all of the following:

1. The branch circuit shall be rated for 208/240-volts and not less than 50 amps.
2. The branch circuit shall terminate within 3 ft (1 m) of the appliance and shall be in a location with ready access.
3. The point of origin and termination of the branch circuit shall be labeled "For future electric cooking appliance."

C405.18.4 Clothes drying. Locations with piping for fossil fuel clothes drying equipment shall comply with C405.18.4.1 or C405.18.4.2, as applicable.

C405.18.4.1 Residential drying. Locations of fossil fuel clothes drying appliances serving individual dwellings units shall be provided with a dedicated individual branch circuit in accordance with all of the following:

1. The branch circuit shall be rated for 208/240-volts and not less than 30 amps.
2. The branch circuit shall terminate within 3 ft (1 m) of the appliance and shall be in a location with ready access.
3. The point of origin and termination of the branch circuit shall be labeled "For future electric clothes drying appliance."

C405.18.4.2 Non-residential drying. Locations of fossil fuel clothes drying appliances not covered by Section C405.18.4.1 shall be provided with a raceway in accordance with all of the following:

1. The raceway shall be continuous from an electric panel to a junction box located within the same space as the appliance.
2. The junction box, raceway, electric panel bus bar and conductors serving the electric panel shall be sized to serve electric clothes drying appliances having the same drying capacity as the fossil fuel appliance.
3. The electric panel shall have sufficient reserved physical space for branch circuit overprotection devices sized to serve electric clothes drying appliances sized to serve the same load as the fossil fuel clothes drying appliances.
4. The point of origin and termination of the raceway shall be labeled "For future electric clothes drying appliance".

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C405.18.5 Onsite transformers. Enclosed spaces and underground vaults containing onsite electric transformers on the building side of the electric utility meter shall have sufficient space to accommodate transformers sized to serve the additional electric loads identified in C405.18.1, C405.18.2, C405.18.3 and C405.18.4.

SECTION C406
ADDITIONAL EFFICIENCY, RENEWABLE, AND LOAD
MANAGEMENT REQUIREMENTS

C406.1.1 Additional energy efficiency credit requirements. Buildings shall comply with measures from C406.2 to achieve not less than the number of required efficiency credits from Table C406.1.1(1) based on building occupancy group and climate zone including any energy credit adjustments in accordance with C406.1.1.1. Where a project contains multiple occupancies, the total required energy credits from each building occupancy shall be weighted by the gross conditioned floor area to determine the weighted average project energy credits required. Accessory occupancies shall be included with the primary occupancy group for purposes of Section C406.

Exception:

1. Portions of buildings devoted to manufacturing or industrial use.

SECTION C407
SIMULATED BUILDING PERFORMANCE

C407.2 Mandatory requirements. Compliance based on total building performance requires that a proposed design meet all of the following:

1. The requirements of the sections indicated within Table C407.2(1).
2. A site energy use that is less than or equal to the percent of the site energy use (SEUC) of the standard reference design calculated in Equation 4-32. The reduction in site energy use of the proposed design associated with on-site and off-site renewable energy shall not be included in the total site energy use.

$$\text{PSEUC} \equiv 100 \times (0.80 + 0.25 - \text{ECr}/1000) \text{ (Equation 4-32)}$$

$$\text{PSEUC} \equiv \text{Percentage of site energy use applied to standard reference design}$$

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ECr ≡ Energy efficiency credits required for the building in accordance with Section C406.1 (do not include load management and renewable credits)

Modify Table C407.2(1) as follows:

TABLE C407.2(1)
REQUIREMENTS FOR SIMULATED BUILDING PERFORMANCE

<u>SECTION^a</u>	<u>TITLE</u>
	<u>Envelope</u>
<u>C402.5.1.3</u>	<u>Fenestration Orientation</u>

a. Reference to a code section includes all the relative subsections except as indicated in the table.

Modify Table C407.4.1(1) as follows:

TABLE C407.4.1(1)
SPECIFICATIONS FOR THE STANDARD REFERENCE AND PROPOSED DESIGNS

<u>Vertical fenestration other than opaque doors</u>	<u>Area</u> <u>1. The proposed vertical fenestration area; where the proposed vertical fenestration area is less than 40% of the above-grade wall area.</u> <u>2. 40% of above grade wall area; where the proposed vertical fenestration area is 40% or more of the above grade wall area</u> <u>3. Fenestration orientation shall comply with Section C402.5.1.3</u>	<u>As proposed</u>
	<u>U-factor: as specified in Table C402.5</u>	<u>As proposed</u>
	<u>1. SHGC: as specified in Table C402.5 except that for climates with no requirement (NR) SHGC = 0.40 shall be used.</u> <u>2. Fenestration SHGC shall comply with Section C402.5.1.3</u>	<u>As proposed</u>
	<u>External shading and PF: none</u>	<u>As proposed</u>

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SECTION C503
ALTERATIONS

C503.6 Additional credit requirements for alterations. Alterations that are substantial improvements shall comply with measures from Sections C402.5 and C405.18 and meet a site EUI by building type in accordance with ASHRAE Standard 100 Table 7-2a. Replacement cost shall be determined by a registered design professional or approved agency and approved by the code official. Where a project contains multiple occupancies, site EUI requirements shall be weighted by the gross conditioned floor area to determine the weighted average site EUI required. Accessory occupancies, other than Groups F or H, shall be included with the primary occupancy group for the purposes of this section.

Exceptions:

1. Alterations that do not contain conditioned space.
2. Portions of buildings devoted to manufacturing or industrial use.
3. Alterations to buildings where the building after the alteration complies with Section C407.
4. Alterations that are permitted with an addition complying with Section C502.3.7.
5. Group R occupancies that achieve an ERI score of 80 or below without on-site renewable energy included in accordance with RESNET/ICC 301, for each dwelling unit.

SECTION C505
CHANGE OF OCCUPANCY OR USE

C505.1.3 Additional energy efficiency for changes of occupancy. Where a space is converted from one occupancy type to another occupancy type, it shall comply with Section C406.1.1.1.

Exceptions:

1. Alterations complying with Section C503.6.
2. Where no less than 50% of the peak space heating and peak water heating load of the building is served by heat pump equipment.

Appendix CD
The 2030 Glide Path

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Remove Section CD101.1 Prescriptive compliance and Table CD101.1 in their entirety.

Appendix CG
All-Electric Commercial Building Provisions

This appendix is removed and is not included in the Illinois Commercial Stretch Energy Code.

Appendix CI
Total Building Performance Pathway

CI101 Scope. This section establishes criteria for buildings that demonstrate compliance using total building performance utilizing site energy in accordance with Section 4.2.1.1 of ANSI/ASHRAE/IESNA 90.1.

CI102 Compliance based on site energy. Buildings shall comply with ANSI/ASHRAE/IESNA 90.1 as modified by this section.

CI102.1 Terms. For the purposes of compliance with this appendix, terminology in ANSI/ASHRAE/IESNA 90.1 shall be modified as follows:

1. Replace references to energy cost with references to site energy in Sections G1.2.2, G1.3.2, G2.1, G2.5 and G2.4.2 section heading.
2. Baseline building performance shall be defined as "the annual site energy cost for a building design intended for use as a baseline for rating above-standard design or when using the Performance Rating Method as an alternative path for minimum standard compliance in accordance with Section 4.2.1.1".
3. Proposed building performance shall be defined as "the annual site energy calculated for a proposed design."

CI102.2 Section 4.2.1.1. Section 4.2.1.1 shall be replaced with the following:

New buildings shall comply with Section 4.2.2 through 4.2.5 and either the provisions of:

- a. Sections 5, "Building Envelope"; 6, "Heating, Ventilating, and Air Conditioning"; 7, "Service Water Heating"; 8, "Power"; 9, "Lighting"; 10, "Other Equipment"; and 11, "Additional Efficiency Requirements"; or
- b. Normative Appendix G, "Performance Rating Method".

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When using Normative Appendix G, the Performance Index (Site Energy) of new buildings, additions to existing buildings, and/or alterations to existing buildings shall be less than or equal to the Performance Index Target (PI t) when calculated in accordance with the following:

$$\text{PI}t = [\text{BBUE} + (\text{BPF}_{\text{site}} \times \text{BBRE}) - \text{PRE}] / \text{BBP}$$

Where:

- PI ≡ Performance Index (Site Energy) calculated in accordance with Section G1.2.
- BBUE ≡ Baseline building unregulated site energy, the portion of the annual site energy of a baseline building design that is due to unregulated energy use.
- BBRE ≡ baseline building regulated site energy, the portion of the annual site energy cost of a baseline building design that is due to regulated energy use.
- BPF ≡ building performance factor from Table 4.2.1.1. For building area types not listed in Table 4.2.1.1 use "All others." Where a building has multiple building area types, the required BPF shall be equal to the area-weighted average of the building area types based on their gross floor area. Where a project includes an existing building and an addition, the required BPF shall be equal to the area-weighted average, based on the gross floor area, of the existing building BPF determined as described in Section 4.2.1.3 and the addition BPF from Table 4.2.1.1.
- BBP ≡ Baseline building performance.
- PBP ≡ Proposed building performance, including the reduced, annual site energy associated with all on-site renewable energy generation systems.
- PBPnre ≡ Proposed building performance without any credit for reduced annual energy from on-site renewable energy generation systems.
- PBPpre ≡ Proposed building performance, excluding any renewable energy system in the proposed design and including an on-site renewable energy system that meets but does not exceed the requirements of Section 10.5.1.1 modeled following the requirements for a budget building design in Table 12.5.1.
- PRE ≡ PBPnre – PBPpre

When (PBPpre – PBP)/BBP > 0.05, new buildings, additions to existing buildings, and/or alterations to existing buildings shall comply with the following:

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$$\underline{PCSEI + [(PBP_{pre} - PBP)/BBP] - 0.05 < PCSEI_t}$$

When $(PBP_{pre} - PBP)/BBP > 0.05$, new buildings, additions to existing buildings, and/or alterations to existing buildings shall comply with the following:

$$\underline{PCI + [(PBP_{pre} - PBP)/BBP] - 0.05 < PCI_t}$$

Informative Notes:

1. PBP_{nre} = proposed building performance, no renewable energy
2. PBP_{pre} = proposed building performance, prescriptive renewable energy
3. PRE = prescriptive renewable energy

CI102.3 Building performance factors. Table 4.2.1.1 Building Performance Factor (BPF) shall be replaced with Table CI102.3.

Table CI102.3 Building Performance Factors (BPF), Site Energy

<u>Building Area Type</u>	<u>Climate Zone</u>	
	<u>4A</u>	<u>5A</u>
<u>Multifamily</u>	<u>0.61</u>	<u>0.56</u>
<u>Healthcare/hospital</u>	<u>0.62</u>	<u>0.65</u>
<u>Hotel/motel</u>	<u>0.65</u>	<u>0.63</u>
<u>Office</u>	<u>0.47</u>	<u>0.49</u>
<u>Restaurant</u>	<u>0.66</u>	<u>0.69</u>
<u>Retail</u>	<u>0.47</u>	<u>0.52</u>
<u>School</u>	<u>0.42</u>	<u>0.44</u>
<u>Warehouse</u>	<u>0.38</u>	<u>0.46</u>
<u>All others</u>	<u>0.55</u>	<u>0.57</u>

CI102.4 Section G1.2.2. Section G1.2.2 shall be replaced with the following:

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The performance of the proposed design is calculated in accordance with provisions of this appendix using the following formula:

$$\frac{\text{Performance Site Energy Index}}{\text{Index}} = \frac{\text{Proposed building performance/Baseline building performance}}{\text{building performance}}$$

Both the proposed building performance and the baseline building performance shall include all end-use load components within and associated with the building when calculating the Performance Site Energy Index.

CI102.5 Section G1.3.2. Item a. in Section G1.3.2 shall be replaced as follows, and item r. added as follows:

- a. The following documentation shall be submitted to the rating authority: The simulation program used, the version of the simulation program, and the results of the energy analysis including the calculated values for the baseline building unregulated site energy (BBUE), baseline building regulated site energy (BBRE), Building Performance Factor (BPF), baseline building performance, the proposed building performance, Performance Site Energy Index (PCSEI), and Performance Site Energy Index Target (PIt).
- p. For any exceptional calculation methods employed, document the predicted energy savings by energy type, the site energy savings, a narrative explaining the exceptional calculation method performed, and theoretical or empirical information supporting the accuracy of the method.

CI102.6 Section G2.4.2. Section G2.4.2 shall be renamed "Annual Site Energy". The informative note for sections G2.4.2 and G2.4.2.2 shall be removed. The first sentence in section G2.4.2. shall be replaced with the following:

The baseline building performance and proposed building performance shall be determined using conversion factors in Table CI103.6

Table CI103.6 Units of Fuel to Site Energy Conversion Factors

<u>Building Project Energy Source</u>	<u>Units</u>	<u>Site energy Btu/unit (W-h/unit)</u>
<u>Electricity</u>	<u>kWh</u>	<u>3,412</u>
<u>Natural Gas</u>	<u>Therm (GJ)</u>	<u>100,000 (277,778)</u>
<u>Propane</u>	<u>Therm (GJ)</u>	<u>100,000 (277,778)</u>

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<u>Distillate fuel oil</u>	<u>Gallon (L)</u>	<u>137,600 (10,651)</u>
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CI102.7 Section G2.5. Section G2.5, item e shall be replaced with the following:

- e. The Performance Site Energy Index calculated with and without the exceptional calculation method.

(Source: Added at 48 Ill. Reg. _____, effective _____)

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Section 600.APPENDIX C Illinois Residential Stretch Energy Code Amendments to the 2021 International Energy Conservation Code

The following Code sections shall be referenced in place of the corresponding 2021 IECC sections.

PART 1 – SCOPE AND APPLICATION**SECTION R101**
SCOPE AND GENERAL REQUIREMENTS

R101.1 Title. This code shall be known as the 2023 Illinois Residential Stretch Energy Code or "this Code" and shall mean:

With respect to the residential buildings covered by 71 Ill Adm Code 600 Subpart D:

This Part, all additional requirements incorporated within Subpart D (including the 2021 International Energy Conservation Code Residential Provisions, including all published errata but excluding published supplements) and any statutorily authorized adaptations to the incorporated standards adopted by CDB is effective upon adoption by a Municipality and takes the place of the Illinois Energy Conservation Code with respect to residential buildings.

No unit of local government, including any home rule unit, may regulate energy efficient building standards for residential buildings in a manner that is less stringent than the standards established pursuant to this Illinois Residential Stretch Energy Code.

R101.1.1 Adoption. The Board shall adopt amendments to this Code and include site energy index standards as established in the Energy Efficient Building Act [20 ILCS 3125/55] as follows:

By June 30, 2024 with a site energy index no greater than .50 of the 2006 IECC;
By December 31, 2025 with a site energy index no greater than .40 of the 2006 IECC;
By December 31, 2028 with a site energy index no greater than .33 of the 2006 IECC;
By December 31, 2031 with a site energy index no greater than .25 of the 2006 IECC.

R101.2 Scope. This code applies to residential buildings, building sites and associated systems and equipment.

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R101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

R101.3 Intent. This code shall regulate the design and construction of buildings for the effective use and conservation of energy over the useful life of each building. This code is intended to provide flexibility to permit the use of innovative approaches and techniques to achieve this objective. This code is not intended to abridge safety, health or environmental requirements contained in other applicable codes or ordinances.

R101.4 Applicability. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.

R101.4.1 Mixed residential and commercial buildings. Where a building includes both residential building and commercial building portions, each portion shall be separately considered and meet the applicable provisions of the Illinois Commercial Stretch Code or the Illinois Residential Stretch Code.

R101.5 Compliance. Residential buildings shall meet the provisions of the Illinois Residential Stretch Code covered by 71 Ill Adm. Code 600 Subpart D. The local authority having jurisdiction (AHJ) shall establish its own procedures for enforcement of the Illinois Residential Stretch Code. Minimum compliance shall be demonstrated by submission of:

R101.5.1 Compliance materials. The code official shall be permitted to approve specific computer software, worksheets, compliance manuals and other similar materials that meet the intent of this code; or

R101.5.2 Professional seals. The seal of the architect/engineer as required by Section 14 of the Illinois Architectural Practice Act [225 ILCS 305], Section 12 of the Structural Engineering Licensing Act [225 ILCS 340] and Section 14 of the Illinois Professional Engineering Practice Act [225 ILCS 325]; or

R101.5.3 REScheck.TM Compliance Certificates generated by the U.S. Department of Energy's REScheckTM Code compliance tool.

SECTION R102
ALTERNATIVE MATERIALS, DESIGN AND
METHODS OF CONSTRUCTION AND EQUIPMENT

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R102.1 General. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. The code official shall have the authority to approve an alternative material, design or method of construction upon the written application of the owner or the owner's authorized agent. The code official shall first find that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code for strength, effectiveness, fire resistance, durability, energy conservation and safety. The code official shall respond to the applicant, in writing, stating the reasons why the alternative was approved or was not approved.

R102.1.1 Above code programs. Buildings certified in compliance with the Passive House Institute (PHI) or Passive House Institute U.S. (PHIUS) Passive Building Standards programs or buildings that comply with Appendix RC shall be deemed to meet the requirements with this code where such buildings also meet the requirements identified in Table R405.2 and the building thermal envelope is greater than or equal to levels of efficiency and solar heat gain coefficients (SHGC) in Tables 402.1.2 and 402.1.3.

PART 2 – ADMINISTRATION AND ENFORCEMENT**SECTION R103**
SCOPE AND ADMINISTRATION

R103.2 Information on construction documents. Construction documents shall be drawn to scale on suitable material. Electronic media documents are permitted to be submitted where approved by the code official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed, and show in sufficient detail pertinent data and features of the building, systems and equipment as herein governed. Details shall include the following as applicable:

1. Energy compliance path.
2. Insulation materials and their R-values.
3. Fenestration U-factors and solar heat gain coefficients (SHGC).
4. Area-weighted U-factor and solar heat gain coefficients (SHGC) calculations.
5. Mechanical system design criteria.
6. Mechanical and service water-heating systems and equipment types, sizes and efficiencies.
7. Equipment and system controls.
8. Duct sealing, duct and pipe insulation and location.

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9. Air sealing details.

R103.2.1 Building thermal envelope depiction. The building thermal envelope shall be represented on the construction documents.

R103.2.2 Solar-ready system. Where a solar-ready zone is provided, the construction documents shall provide details for dedicated roof area, structural design for roof dead and live load, ground snow load, and routing of conduit or pre-wiring from solar-ready zone to electrical service panel or plumbing from solar-ready zone to service water heating system.

SECTION R105
INSPECTIONS

R105.1 General. Construction or work for which a permit is required shall be subject to inspection by the code official or his or her designated agent, and such construction or work shall remain visible and able to be accessed for inspection purposes until approved. It shall be the duty of the permit applicant to cause the work to remain visible and able to be accessed for inspection purposes. Neither the code official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material, product, system or building component required to allow inspection to validate compliance with this code.

R105.2 Required inspections. The code official or his or her designated agent, upon notification, shall make the inspections set forth in Sections R105.2.1 through R105.2.5.

R105.2.1 Footing and foundation inspection. Inspections associated with footings and foundations shall verify compliance with the code as to R-value, location, thickness, depth of burial and protection of insulation as required by the code and approved plans and specifications.

R105.2.2 Framing and rough-in inspection. Inspections at framing and rough-in shall be made before application of interior finish and shall verify compliance with the code as to: types of insulation and corresponding R-values and their correct location and proper installation; fenestration properties such as U-factor and SHGC and proper installation; air leakage controls as required by the code; and approved plans and specifications.

R105.2.3 Plumbing rough-in inspection. Inspections at plumbing rough-in shall verify compliance as required by the code and approved plans and specifications as to types of insulation and corresponding R-values and protection, and required controls. Where the solar-ready zone is installed for solar water heating, inspections shall verify pathways for routing of plumbing from solar-ready zone to service water heating system.

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R105.2.4 Mechanical rough-in inspection. Inspections at mechanical rough-in shall verify compliance as required by the code and approved plans and specifications as to installed HVAC equipment type and size, required controls, system insulation and corresponding R- value, system air leakage control, programmable thermostats, dampers, whole-house ventilation, and minimum fan efficiency.

Exception: Systems serving multiple dwelling units shall be inspected in accordance with Section C105.2.4.

R105.2.5 Electrical rough-in inspection. Inspections at electrical rough-in shall verify compliance as required by the code and the approved plans and specifications as to the locations, distribution, and capacity of the electrical system. Where the solar-ready zone is installed for electricity generation, inspections shall verify conduit or pre-wiring from solar-ready zone to electrical panel.

R105.2.6 Final inspection. The building shall have a final inspection and shall not be occupied until approved. The final inspection shall include verification of the installation of all required building systems, equipment and controls and their proper operation and the required number of high-efficacy lamps and fixtures.

R105.3 Reinspection. A building shall be reinspected where determined necessary by the code official.

R105.4 Approved inspection agencies. The code official is authorized to accept reports of third-party inspection agencies not affiliated with the building design or construction.

SECTION R202
GENERAL DEFINITIONS

APPROVED SOURCE. An independent person, firm or corporation, approved by the building official, who is competent and experienced in the application of engineering principles to materials, methods or systems analyses.

AUTOMOBILE PARKING SPACE. A space within a building or private or public parking lot, exclusive of driveways, ramps, columns, office and work areas, for the parking of an automobile.

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DEMAND RESPONSE SIGNAL. A signal that indicates a price or a request to modify electricity consumption for a limited time period.

DEMAND RESPONSIVE CONTROL. A control capable of receiving and automatically responding to a demand response signal.

ELECTRIC VEHICLE (EV). An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, and electric motorcycles, primarily powered by an electric motor that draws current from a building electrical service, EVSE, a rechargeable storage battery, a fuel cell, a photovoltaic array, or another source of electric current.

ELECTRIC VEHICLE READY SPACE (EV READY SPACE). An automobile parking space that is provided with a branch circuit and either an outlet, junction box or receptacle, that will support an installed EVSE.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE). Equipment for plug-in power transfer including the ungrounded, grounded and equipment grounding conductors, and the electric vehicle connectors, attached plugs, personal protection system and all other fittings, devices, power outlets or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

GAS HEAT PUMP SPACE HEATING SYSTEM. Gas heat pump space heating systems consist of an outdoor combustion unit and heat exchanger(s) inside the building. The outdoor combustion unit is installed outside the building envelope and uses the heat of combustion to drive a refrigeration cycle that pumps heat into the building. Annual fuel utilization efficiencies (AFUE) greater than 120% and 140% are achieved by pumping the heat of combustion and additional heat from the ambient air into the building. The heat is then distributed indoors via forced air hydronic air handler(s), via floors and other radiant systems, or through combinations of forced air and radiant systems.

RESIDENTIAL BUILDING. A detached one-family or two-family dwelling or any building that is three stories or less in height above grade that contains multiple dwelling units, in which the occupants reside on a primarily permanent basis, such as a townhouse, a row house, an apartment house, a convent, a monastery, a rectory, a fraternity or sorority house, a dormitory, and a rooming house; provided, however, that when applied to a building located within the boundaries of a municipality having a population of 1,000,000 or more, the term "RESIDENTIAL BUILDING" means a building containing one or more dwelling units, not exceeding four (4) stories above grade, where occupants are primarily permanent.

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SOLAR-READY ZONE. A section or sections of the roof or building overhang designated and reserved for the future installation of a solar photovoltaic or solar thermal system.

SECTION R401**GENERAL**

R401.1 Scope. This chapter applies to residential buildings.

R401.2 Application. Residential buildings shall comply with either Sections R401.2.1, R401.2.2, or R401.2.3.

Exception: Additions, alterations, repairs and changes of occupancy to existing buildings complying with Chapter 5.

R401.2.1 Prescriptive Compliance Option. The Prescriptive Compliance Option requires compliance with Sections R401 through R404 and R408.

R401.2.2 Total Building Performance Option. The Total Building Performance Option requires compliance with Section R405.

R401.2.3 Energy Rating Index Option. The Energy Rating Index (ERI) Option requires compliance with Section R406.

R401.2.4 Tropical Climate Region Option. The Tropical Climate Region Option requires compliance with Section R407.

R401.3 Certificate. A permanent certificate shall be completed by the builder or other approved party and posted on a wall in the space where the furnace is located, a utility room or an approved location inside the building. Where located on an electrical panel, the certificate shall not cover or obstruct the visibility of the circuit directory label, service disconnect label or other required labels. The certificate shall indicate the following:

- 1.** The predominant R-values of insulation installed in or on ceilings, roofs, walls, foundation components such as slabs, basement walls, crawl space walls and floors and ducts outside conditioned spaces.
- 2.** U-factors of fenestration and the solar heat gain coefficient (SHGC) of fenestration. Where there is more than one value for any component of the

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- building envelope, the certificate shall indicate both the value covering the largest area and the area weighted average value if available.
3. The results from any required duct system and building envelope air leakage testing performed on the building.
 4. The types, sizes and efficiencies of heating, cooling and service water-heating equipment. Where a gasfired unvented room heater, electric furnace or baseboard electric heater is installed in the residence, the certificate shall indicate "gas-fired unvented room heater", "electric furnace" or "baseboard electric heater", as appropriate. An efficiency shall not be indicated for gas-fired unvented room heaters, electric furnaces and electric baseboard heaters.
 5. Where on-site photovoltaic panel systems have been installed, the array capacity, inverter efficiency, panel tilt and orientation shall be noted on the certificate.
 6. For buildings where an Energy Rating Index score is determined in accordance with Section R406, the Energy Rating Index score, both with and without any on-site generation, shall be listed on the certificate.
 7. The code edition under which the structure was permitted, and the compliance path used and where applicable, the additional efficiency measures selected for compliance with R408.

SECTION R403
SYSTEMS

R403.1 Controls. Not less than one thermostat shall be provided for each separate heating and cooling system. The primary heating or cooling system serving the dwelling unit shall comply with Sections R403.1.1, R403.1.2, and R403.1.3.

R403.1.1 Programmable thermostat. The thermostat controlling the primary heating or cooling system of the dwelling unit shall be capable of controlling the heating and cooling system on a daily schedule to maintain different temperature set points at different times of day and different days of the week. This thermostat shall include the capability to set back or temporarily operate the system to maintain zone temperatures of not less than 55°F (13°C) to not greater than 85°F (29°C). The thermostat shall be programmed initially by the manufacturer with a heating temperature setpoint of not greater than 70°F (21°C) and a cooling temperature setpoint of not less than 78°F (26°C).

R403.1.2 Heat pump supplementary heat. Heat pumps having supplementary electric-resistance heat shall have controls that, except during defrost, prevent supplemental heat operation when the heat pump compressor can meet the heating load.

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R403.1.3 Demand responsive thermostat. The thermostat shall be provided with a demand responsive control capable of communicating with the Virtual End Node (VEN) using a wired or wireless bi-directional communication pathway that provides the homeowner the ability to voluntarily participate in utility demand response programs, where available. The thermostat shall be capable of executing the following actions in response to a demand response signal:

1. Automatically increasing the zone operating cooling set point by the following values: 1°F (0.5°C), 2°F (1°C), 3°F (1.5°C), and 4°F (2°C).
2. Automatically decreasing the zone operating heating set point by the following values: 1°F (0.5°C), 2°F (1°C), 3°F (1.5°C), and 4°F (2°C).

Thermostats controlling single stage HVAC systems shall comply with Section R403.1.2.1. Thermostats controlling variable capacity systems shall comply with Section R403.1.2.2. Thermostats controlling multi-stage HVAC systems shall comply with either Section R403.1.2.1 or R403.1.2.2. Where a demand response signal is not available the thermostat shall be capable of performing all other functions.

Exception: Assisted living facilities.

R403.1.3.1 Single stage HVAC system controls. Thermostats controlling single stage HVAC systems shall be provided with a demand responsive control that complies with one of the following:

1. Certified OpenADR 2.0a VEN, as specified under Clause 11, Conformance.
2. Certified OpenADR 2.0b VEN, as specified under Clause 11, Conformance.
3. Certified by the manufacturer as being capable of responding to a demand response signal from a certified OpenADR 2.0b VEN by automatically implementing the control functions requested by the VEN for the equipment it controls.
4. IEC 62746-10-1.
5. The communication protocol required by a controlling entity, such as a utility or service provider, to participate in an automated demand response program.
6. The physical configuration and communication protocol of CTA 2045-A or CTA-2045-B.

R403.1.3.2 Variable capacity and two stage HVAC system controls. Thermostats controlling variable capacity and two stage HVAC system shall be provided with a demand responsive control that complies with the communication and performance requirements of AHRI 1380.

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R403.5.4 Demand responsive water heating. Electric storage water heaters with a rated water storage volume of 40 gallons (150L) to 120 gallons (450L) and a nameplate input rating equal to or less than 12kW shall be provided with demand responsive controls in accordance with Table R403.5.4 or another equivalent approved standard.

Exceptions:

1. Water heaters that are capable of delivering water at a temperature of 180°F (82°C) or greater.
2. Water heaters that comply with Section IV, Part HLW or Section X of the ASME Boiler and Pressure Vessel Code.
3. Water heaters that use 3-phase electric power

TABLE R403.5.4
DEMAND RESPONSIVE CONTROLS FOR WATER HEATING

<u>Equipment Type</u>	<u>Controls</u>	
	<u>Manufactured Before 7/1/2025</u>	<u>Manufactured On or After 7/1/2025</u>
<u>Electric storage water heaters</u>	<u>AHRI Standard 1430-2022 (I-P) or ANSI/CTA-2045-B Level 1 and also capable of initiating water heating to meet the temperature set point in response to a demand response signal.</u>	<u>AHRI Standard 1430-2022 (I-P)</u>

SECTION R404
ELECTRICAL POWER AND LIGHTING SYSTEMS

R404.4 Electric vehicle power transfer infrastructure. New automobile parking spaces for one- and two-family dwellings and townhouses shall be provided in accordance with this section. All other new residential parking facilities shall be provided with electric vehicle power transfer infrastructure in accordance with Section C405.14 of the Illinois Commercial Stretch Energy Code.

R404.4.1 Quantity. Each dwelling unit with a designated attached or detached garage or other onsite private parking provided adjacent to the dwelling unit shall be provided with one EV ready space.

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R404.4.2 EV ready spaces. Each branch circuit serving EV ready spaces used to comply with Section R404.4 shall comply with all of the following:

1. Terminate at an outlet or enclosure located within 3 feet (914 mm) of each EV ready space it serves.
2. Be sized for a minimum EV charging load of 7.2 kVA.
3. The panelboard or other electrical distribution equipment directory shall designate the branch circuit as "For electric vehicle supply equipment (EVSE)" and the outlet or enclosure shall be marked "For electric vehicle supply equipment (EVSE)".
4. Where a circuit is shared or managed, it shall be in accordance with NFPA 70.

R404.5 Electric readiness. Systems using fossil fuel: water heaters, household clothes dryers, conventional cooking tops, conventional ovens and space heating equipment shall comply with the requirements of Sections R404.5.1 through R404.5.5

R404.5.1 Cooking products. An individual branch circuit outlet with a rating not less than 240-volts, 40-amperes shall be installed, and terminate within three feet of conventional cooking tops, conventional ovens or cooking products combining both.

Exception: Cooking products not installed in an individual dwelling unit.

R404.5.2 Household clothes dryers. An individual branch circuit outlet with a rating not less than 240-volts, 30-amperes shall be installed, and terminate within three feet (304 mm) of each household clothes dryer.

Exception: Clothes dryers that serve more than one dwelling unit and are located outside of a dwelling unit.

R404.5.3 Water heaters. Locations of fossil fuel water heaters shall comply with all of the following:

1. An individual branch circuit outlet with a rating not less than either 240-volts, 30-amperes shall be installed, and terminate within three feet (304 mm) of each fossil fuel water heater.
2. The space for containing the future water heater shall have a height of not less than 7 ft (2 m), a width of not less than 3 ft (1 m), a depth of not less than 3ft (1 m) and with a volume of not less than 700 ft³ (20 m³).

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Exceptions:

1. Water heaters in a centralized water heating system serving multiple dwelling units in an R-2 occupancy which comply with Section C405.17.
2. Where the space containing the water heater provides for air circulation sufficient for the operation of a heat pump water heater, the minimum room volume shall not be required.

R404.5.4 Combustion space heating. A designated exterior location(s) in accordance with the following:

1. Natural drainage for condensate from cooling equipment heat pump operation or a condensate drain located within 3 feet (914 mm), and
2. A dedicated branch circuit in compliance with IRC Section E3702.11 based on heat pump space heating equipment sized in accordance with R403.7 and terminating within 3 feet (914 mm) of the location with no obstructions. Both ends of the branch circuit shall be labeled "For Future Heat Pump Space Heater."

R404.5.5 Electrification-ready circuits. The unused conductors required by Sections R404.5.1 through R404.5.4 shall be labeled with the word "spare." Space shall be reserved in the electrical panel in which the branch circuit originates for the installation of an overcurrent device. Capacity for the circuits required by Sections R404.5.1 through R404.5.4 shall be included in the load calculations of the original installation.

R404.6 Renewable energy infrastructure. The building shall comply with the requirements of R404.6.1 or R404.6.2.

R404.6.1 One- and two- family dwellings and townhouses. One- and two-family dwellings and townhouses shall comply with Sections R404.6.1.1 through R404.6.1.4.

Exceptions:

1. A dwelling unit with a permanently installed on-site renewable energy system.
2. A dwelling unit with a solar-ready zone area that is less than 500 square feet (46 m²) of roof area oriented between 110 degrees and 270 degrees of true north.
3. A dwelling unit with less than 500 square feet (46m²) of roof area oriented between 110 degrees and 270 degrees of true north.

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4. Dwelling units where 50% of the solar-ready area is shaded from direct-beam sunlight by natural objects or by structures that are not part of the building for more than 2500 annual hours between 8:00 a.m. and 4:00 p.m.

R404.6.1.1 Solar-ready zone area. The total area of the solar-ready zone shall not be less than 250 square feet (23.2 m²) and shall be composed of areas not less than 5.5 feet (1676 mm) in one direction and not less than 80 square feet (7.4 m²) exclusive of access or set back areas as required by the International Residential Code.

Exception: Dwelling units in townhouses three stories or less in height above grade plane and with a total floor area less than or equal to 2,000 square feet (186 m²) per dwelling shall be permitted to have a solar-ready zone area of not less than 150 square feet (14 m²).

R404.6.1.2 Obstructions. Solar-ready zones shall be free from obstructions, including but not limited to vents, chimneys, and roof-mounted equipment.

R404.6.1.3 Electrical service reserved space. The main electrical service panel shall have a reserved space for a dual pole circuit breaker and shall be labeled "For Future Solar Electric." The reserved space shall be at the opposite (load) end of the busbar from the primary energy source.

R404.6.1.4 Electrical interconnection. An electrical junction box shall be installed within 24 inches (610 mm) of the main electrical service panel and shall be connected to a capped roof penetration sleeve or a location in the attic that is within 3 feet (914 mm) of the solar-ready zone by a minimum 1 inch (25 mm) nonflexible metallic conduit or permanently installed wire as approved by the code official. Where the interconnection terminates in the attic, location shall be no less than 12 inches (305 mm) above ceiling insulation. Both ends of the interconnection shall be labeled "For Future Solar Electric."

R404.6.2 Group R occupancies. Buildings in Group R-2, R-3 and R-4 shall comply with Section C405.15 of the Illinois Commercial Stretch Energy Code.

SECTION R405
TOTAL BUILDING PERFORMANCE

R405.1 Scope. This section establishes criteria for compliance using total building performance analysis. Such analysis shall include heating, cooling, mechanical ventilation and service water-heating energy only.

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R405.2 Performance-based compliance. Compliance based on total building performance requires that a proposed design meets all of the following:

1. The requirements of the sections indicated within Table R405.2.
2. The proposed total building thermal envelope UA, which is the sum of the U-factor times assembly area, shall be less than or equal to the building thermal envelope UA using the prescriptive U-factors from Table R402.1.2 multiplied by 1.10 in accordance with Equation 4-1.
U_{AProposed design} ≤ 1.10 x U_{APrescriptive reference design} (Equation 4-1)
The site energy use of the proposed design shall be less than or equal to 71% of the site energy use of the standard reference design.

TABLE R405.2
REQUIREMENTS FOR TOTAL BUILDING PERFORMANCE

<u>SECTION^a</u>	<u>TITLE</u>
<u>General</u>	
<u>R401.3</u>	<u>Certificate</u>
<u>Building Thermal Envelope</u>	
<u>R402.1.1</u>	<u>Vapor retarder</u>
<u>R402.2.3</u>	<u>Eave baffle</u>
<u>R402.2.4.1</u>	<u>Access hatches and doors</u>
<u>R402.2.10.1</u>	<u>Crawl space wall insulation installations</u>
<u>R402.4.1.1</u>	<u>Installation</u>
<u>R402.4.1.2</u>	<u>Testing</u>
<u>R402.5</u>	<u>Maximum fenestration U-factor and SHGC</u>
<u>Mechanical</u>	
<u>R403.1</u>	<u>Controls</u>
<u>R403.3, including R403.3.1, except Sections R403.3.2, R403.3.3 and R403.3.6</u>	<u>Ducts</u>
<u>R403.4</u>	<u>Mechanical system piping insulation</u>
<u>R403.5.1</u>	<u>Heated water circulation and temperature maintenance systems</u>
<u>R403.5.3</u>	<u>Drain water heat recovery units</u>

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R403.6	Mechanical ventilation
R403.7	Equipment sizing and efficiency rating
R403.8	Systems serving multiple dwelling units
R403.9	Snow melt and ice systems
R403.10	Energy consumption of pools and spas
R403.11	Portable spas
R403.12	Residential pools and permanent residential spas
<u>Electrical Power and Lighting Systems</u>	
R404.1	Lighting equipment
R404.2	Interior lighting controls
R404.4	Electric Vehicle Power Transfer Infrastructure
R404.5	Electric readiness
R404.6	Renewable energy infrastructure

- a. [Reference to a code section includes all the relative subsections except as indicated in the table.](#)

SECTION R406

ENERGY RATING INDEX COMPLIANCE ALTERNATIVE

R406.1 Scope. This section establishes criteria for compliance using an Energy Rating Index (ERI) analysis.

R406.2 ERI compliance. Compliance based on the ERI requires that the rated design meets all of the following:

1. [The requirements of the sections indicated within Table R406.2.](#)
2. [Maximum ERI of Table R406.5.](#)

TABLE R406.2

REQUIREMENTS FOR ENERGY RATING INDEX

<u>SECTION^a</u>	<u>TITLE</u>
<u>General</u>	

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<u>R401.3</u>	<u>Certificate</u>
<u>Building Thermal Envelope</u>	
<u>R402.1.1</u>	<u>Vapor retarder</u>
<u>R402.2.3</u>	<u>Eave baffle</u>
<u>R402.2.4.1</u>	<u>Access hatches and doors</u>
<u>R402.2.10.1</u>	<u>Crawl space wall insulation installation</u>
<u>R402.4.1.1</u>	<u>Installation</u>
<u>R402.4.1.2</u>	<u>Testing</u>
<u>Mechanical</u>	
<u>R403.1</u>	<u>Controls</u>
<u>R403.3 except Sections R403.3.2, R403.3.3 and R403.3.6</u>	<u>Ducts</u>
<u>R403.4</u>	<u>Mechanical system piping insulation</u>
<u>R403.5.1</u>	<u>Heated water calculation and temperature maintenance systems</u>
<u>R403.5.3</u>	<u>Drain water heat recovery units</u>
<u>R403.6</u>	<u>Mechanical ventilation</u>
<u>R403.7</u>	<u>Equipment sizing and efficiency rating</u>
<u>R403.8</u>	<u>Systems serving multiple dwelling units</u>
<u>R403.9</u>	<u>Snow melt and ice systems</u>
<u>R403.10</u>	<u>Energy consumption of pools and spas</u>
<u>R403.11</u>	<u>Portable spas</u>
<u>R403.12</u>	<u>Residential pools and permanent residential spas</u>
<u>Electrical Power and Lighting Systems</u>	
<u>R404.1</u>	<u>Lighting equipment</u>
<u>R404.2</u>	<u>Interior lighting controls</u>
<u>R404.4</u>	<u>Electric Vehicle Power Transfer Infrastructure</u>
<u>R404.5</u>	<u>Electric readiness</u>
<u>R404.6</u>	<u>Renewable energy infrastructure</u>

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- a. Reference to a code section includes all the relative subsections except as indicated in the table.

R406.3 Building thermal envelope. The proposed total building thermal envelope UA, which is sum of U- factor times assembly area, shall be less than or equal to the building thermal envelope UA using the prescriptive U-factors from Table R402.1.2 multiplied by 1.10 in accordance with Equation 4-2.

UA_{Proposed design} < 1.10 × UA_{Prescriptive reference design}

(Equation 4-2)

R406.4 Energy rating index. The Energy Rating Index (ERI) shall be determined in accordance with ANSI/RESNET/ICC 301 The mechanical ventilation rates used for the purpose of determining the ERI shall not be construed to establish minimum ventilation requirements for compliance with this code.

Energy used to recharge or refuel a vehicle used for transportation on roads that are not on the building site shall not be included in the ERI reference design or the rated design.

R406.5 ERI-based compliance. Compliance based on an ERI analysis requires that the rated proposed design and confirmed built dwelling be shown to have an ERI less than or equal to the appropriate value indicated in Table R406.5 when compared to the ERI reference design.

TABLE R406.5
MAXIMUM ENERGY RATING INDEX

<u>Climate Zone</u>	<u>Energy Rating Index Without Combustion Equipment^a</u>	<u>Energy Rating Index With Combustion Equipment^b</u>
<u>4</u>	<u>54</u>	<u>51</u>
<u>5</u>	<u>55</u>	<u>50</u>

- a. Any building that contains no combustion equipment.
b. Any building that contains combustion equipment.

SECTION R408
ADDITIONAL EFFICIENCY REQUIREMENTS

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R408.1 Scope. This section establishes additional efficiency requirements to achieve additional energy efficiency in accordance with Section R401.2.1. Buildings shall comply with either Section R408.2 or Section R408.3

R408.2. Heat pump equipment and air tightness option. Buildings shall comply with all of the following:

1. Heating and cooling equipment shall be electric heat pump equipment. In Climate Zone 5A, air-source heat pumps shall meet the following requirements for cold climate heat pumps:
 - 1.1 COP at 5°F (-15°C) \geq 1.75
 - 1.2 Percent of heating capacity at 5°F (-15°C) \geq 70% of that at 47°F (8.34°C)
2. Water heating equipment shall be a heat pump water heater.
3. The measured air leakage shall be less than or equal to 2.0 ACH50 with either an Energy Recovery Ventilator (ERV) or Heat Recovery Ventilator (HRV) with a sensible heat recovery efficiency (SRE) no less than 70% at 32°F (0°C) at an airflow greater than or equal to design airflow. The SRE shall be determined from a listed value or from interpolation of listed values. Construction documents shall include documentation of the SRE.

R408.3 Additional energy efficiency credit requirements. Additional efficiency measures shall be selected from Table R408.3 that meet or exceed a total of 30 credits. Five additional credits shall be selected for dwelling units with greater than 5,000 square feet (465 m²) of living space floor area located above grade plane. Each measure selected shall meet the relevant subsections of Section R408 and receive credit as specified in Table R408.3 for the specific Climate Zone. Interpolation of credits between measures shall not be permitted.

TABLE R408.3
CREDITS FOR ADDITIONAL ENERGY EFFICIENCY

<u>Measure Number</u>	<u>Measure Description</u>	<u>Credit Value</u>	
		<u>CZ 4</u>	<u>CZ 5</u>
<u>R408.3.1.1 (1)</u>	<u>\geq 2.5% reduction in total UA</u>	<u>1</u>	<u>1</u>
<u>R408.2.1.1 (2)</u>	<u>\geq 5% reduction in total UA</u>	<u>2</u>	<u>3</u>
<u>R408.3.1.1 (3)</u>	<u>\geq 7.5% reduction in total UA</u>	<u>2</u>	<u>3</u>

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<u>R408.3.1.2</u>	<u>0.22 U-factor windows</u>	<u>3</u>	<u>4</u>
<u>R408.3.2 (1)</u>	<u>High performance cooling system option 1</u>	<u>3</u>	<u>3</u>
<u>R408.3.2 (2)</u>	<u>High performance cooling system option 2</u>	<u>3</u>	<u>2</u>
<u>R408.3.2 (3)</u>	<u>High performance gas furnace option 1</u>	<u>5</u>	<u>7</u>
<u>R408.3.2(4)</u>	<u>High performance gas furnace option 2</u>	<u>4</u>	<u>5</u>
<u>R408.3.2(5)</u>	<u>High performance electric heat pump system option 1</u>	<u>21</u>	<u>31</u>
<u>R408.3.2 (6)</u>	<u>High performance electric heat pump system option 2</u>	<u>22</u>	<u>32</u>
<u>R408.3.2 (7)</u>	<u>Ground source heat pump</u>	<u>23</u>	<u>33</u>
<u>R408.3.2 (8)</u>	<u>High performance gas heat pump space heating system option 1</u>	<u>8</u>	<u>11</u>
<u>R408.3.2 (9)</u>	<u>High performance gas heat pump space heating system option 2</u>	<u>11</u>	<u>16</u>
<u>R408.3.3 (1)</u>	<u>Fossil fuel service water heating system</u>	<u>3</u>	<u>2</u>
<u>R408.3.3 (2)</u>	<u>High performance heat pump water heating system</u>	<u>8</u>	<u>6</u>
<u>R408.3.3 (3)</u>	<u>Solar hot water heating system</u>	<u>6</u>	<u>6</u>
<u>R408.3.3 (4)</u>	<u>Compact hot water distribution</u>	<u>2</u>	<u>2</u>
<u>R408.3.4 (1)</u>	<u>More efficient distribution system</u>	<u>10</u>	<u>12</u>
<u>R408.3.4 (2)</u>	<u>100% of ducts in conditioned space</u>	<u>12</u>	<u>15</u>
<u>R408.3.4 (3)</u>	<u>Reduced total duct leakage</u>	<u>1</u>	<u>1</u>
<u>R408.3.5 (1)</u>	<u>2 ACH50 air leakage rate with ERV or HRV installed</u>	<u>10</u>	<u>13</u>
<u>R408.3.5 (2)</u>	<u>2 ACH50 air leakage rate with balanced ventilation</u>	<u>4</u>	<u>5</u>

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<u>R408.3.5 (3)</u>	<u>1.5 ACH50 air leakage rate with ERV or HRV installed</u>	<u>12</u>	<u>15</u>
<u>R408.3.5 (4)</u>	<u>1 ACH50 air leakage rate with ERV or HRV installed</u>	<u>14</u>	<u>17</u>
<u>R408.3.6</u>	<u>Energy Efficient Appliances</u>	<u>1</u>	<u>1</u>

R408.3.1 Enhanced envelope option. The building thermal envelope shall meet the requirements of Section R408.3.1.1 or R408.3.1.2.

R408.3.1.1 Enhanced envelope performance UA. The proposed total building thermal envelope UA shall be calculated in accordance with Section R402.1.5 and shall meet one of the following:

1. Not less than 2.5% of the total UA of the building thermal envelope.
2. Not less than 5% of the total UA of the building thermal envelope.
3. Not less than 7.5% of the total UA of the building thermal envelope.

R408.3.1.2 Improved fenestration. Vertical fenestration shall meet a U-factor equal to or less than 0.22.

R408.3.2 More efficient HVAC equipment performance option. Heating and cooling equipment shall meet one of the following efficiencies:

Options:

1. Greater than or equal to 6.9 SEER2 and 13.4 EER2 air conditioner.
2. Greater than or equal to 15.2 SEER2 and 10 EER2 air conditioner.
3. Greater than or equal to 96 AFUE natural gas furnace.
4. Greater than or equal to 92 AFUE natural gas furnace.
5. Greater than or equal to 8.1HSPF2/16 SEER2 electric air source heat pump.
6. Greater than or equal to 8.5 HSPF2/16.9 SEER2 electric air source heat pump.
7. Greater than or equal to 3.5 COP ground source heat pump.
8. Greater than or equal to 120 AFUE gas heat pump space heating system. The gas heat pump space heating system shall not be configured to provide cooling.
9. Greater than or equal to 140 AFUE gas heat pump space heating system. The gas heat pump space heating system shall not be configured to provide cooling.

For multiple cooling systems, all systems shall meet or exceed the minimum efficiency requirements in this section and shall be sized to serve 100% of the cooling design load.

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For multiple heating systems, all systems shall meet or exceed the minimum efficiency requirements in this section and shall be sized to serve 100% of the heating design load. In Climate Zone 5A, air-source heat pumps shall meet the following requirements for cold climate heat pumps:

1. COP at 5°F (-15°C) ≥ 1.75
2. Percent of heating capacity at 5°F (-15°C) ≥ 70% of that at 47°F (8.34°C)

R408.3.3 Reduced energy use in service water-heating option. The hot water system shall meet one of the following efficiencies:

1. Greater than or equal to 0.82 EF fossil fuel service water-heating system.
2. Greater than or equal to 2.9 UEF electric service water-heating system.
3. Greater than or equal to 0.4 solar fraction solar water-heating system.
4. Compact hot water distribution. For Compact Hot Water Distribution system credit, the volume shall store not more than 16 ounces of water in the nearest source of heated water and the termination of the fixture supply pipe when calculated using section R408.3.3.1 and documented in compliance with Section R408.3.3.2.

R408.3.3.1 Water volume determination. The water volume in the piping shall be calculated in accordance with this section. Water heaters, circulating water systems and heat trace temperature maintenance systems shall be considered to be sources of heated water. The volume shall be the sum of the internal volumes of pipe, fittings, valves, meters and manifolds between the nearest source of heated water and the termination of the fixture supply pipe. The volume in the piping shall be determined from Table R408.3.3.1. The volume contained within fixture shutoff valves, within flexible water supply connectors to a fixture fitting and within a fixture fitting shall not be included in the water volume determination. Where heated water is supplied by a recirculating system or heat-traced piping, the volume shall include the portion of the fitting on the branch pipe that supplies water to the fixture.

TABLE R408.3.3.1
INTERNAL VOLUME OF VARIOUS WATER DISTRIBUTION TUBING
OUNCES OF WATER PER FOOT OF TUBE

<u>NOMINAL</u> <u>SIZE</u> <u>(inches)</u>	<u>COPPER</u> <u>TYPE M</u>	<u>COPPER</u> <u>TYPE L</u>	<u>COPPER</u> <u>TYPE K</u>	<u>CPVC</u> <u>CTS SDR</u> <u>11</u>	<u>CPVC</u> <u>SCH 40</u>	<u>CPVC</u> <u>SCH 80</u>	<u>PE- RT</u> <u>SDR 9</u>	<u>COMPOSITE</u> <u>ASTM F1281</u>	<u>PEX CTS</u> <u>SDR 9</u>
<u>3/8</u>	<u>1.06</u>	<u>0.97</u>	<u>0.84</u>	<u>N/A</u>	<u>1.17</u>	<u>-</u>	<u>0.64</u>	<u>0.63</u>	<u>0.64</u>

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<u>½</u>	<u>1.69</u>	<u>1.55</u>	<u>1.45</u>	<u>1.25</u>	<u>1.89</u>	<u>1.46</u>	<u>1.18</u>	<u>1.31</u>	<u>1.18</u>
<u>¾</u>	<u>3.43</u>	<u>3.22</u>	<u>2.90</u>	<u>2.67</u>	<u>3.38</u>	<u>2.74</u>	<u>2.35</u>	<u>3.39</u>	<u>2.35</u>
<u>1</u>	<u>5.81</u>	<u>5.49</u>	<u>5.19</u>	<u>4.43</u>	<u>5.53</u>	<u>4.57</u>	<u>3.91</u>	<u>5.56</u>	<u>3.91</u>
<u>1¼</u>	<u>8.70</u>	<u>8.36</u>	<u>8.09</u>	<u>6.61</u>	<u>9.66</u>	<u>8.24</u>	<u>5.81</u>	<u>8.49</u>	<u>5.81</u>
<u>1½</u>	<u>12.18</u>	<u>11.83</u>	<u>11.45</u>	<u>9.22</u>	<u>13.20</u>	<u>11.38</u>	<u>8.09</u>	<u>13.88</u>	<u>8.09</u>
<u>2</u>	<u>21.08</u>	<u>20.58</u>	<u>20.04</u>	<u>15.79</u>	<u>21.88</u>	<u>19.11</u>	<u>13.86</u>	<u>21.48</u>	<u>13.86</u>

For SI: 1 foot = 304.8 mm, 1 inch = 25.4 mm, 1 liquid ounce = 0.030L, 1 oz/ft² = 305.15 g/m².

N/A = Not available

R408.3.3.2 Water volume documentation. Where compliance with Section R408.3.3(5) is required, construction documentation or final field inspection shall verify that the compact hot water distribution system meets the prescribed limit in Section R408.3.3(5) with one of the following:

1. Referencing ounces of water per foot of tube on plans as per Table R408.3.3.1.
2. Referencing ounces of water per foot of tube installed as per Table R408.3.3.1.
3. In accordance with Department of Energy's Zero Energy Ready Home National Specification (Rev. 07 or higher) footnote on Hot water delivery systems.

R408.3.4 More efficient duct thermal distribution system option. The thermal distribution system shall meet one of the following efficiencies:

1. 100% of ductless thermal distribution system or hydronic thermal distribution system located completely inside the building thermal envelope.
2. 100% of duct thermal distribution system located in conditioned space as defined by Section R403.3.2.
3. When ducts are located outside conditioned space, the total leakage of the ducts, measured in accordance with R403.3.5, shall be in accordance with one of the following:
 - 3.1. Where the air handler is installed at the time of testing, 2.0 cubic feet per minute (0.94 L/s) per 100 square feet (9.29 m) of conditioned floor area.
 - 3.2. Where the air handler is not installed at the time of testing, 1.75 cubic feet per minute (0.83 L/s) per 100 square feet (9.29 m) of conditioned floor area.

R408.3.5 Improved air sealing and efficient ventilation system option. The measured air leakage rate shall be one of the following:

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1. Less than or equal to 2.0 ACH50, with either an Energy Recovery Ventilator (ERV) or Heat Recovery Ventilator (HRV) installed.
2. Less than or equal to 2.0 ACH50, with balanced ventilation as defined in Section 202 of the 2021 International Mechanical Code.
3. Less than or equal to 1.5 ACH50, with either an ERV or HRV installed.
4. Less than or equal to 1.0 ACH50, with either an ERV or HRV installed.

Minimum HRV and ERV requirements, measured at the lowest tested net supply airflow, shall be greater than or equal to 75% Sensible Recovery Efficiency (SRE), greater than or equal to 1.2 cubic feet per minute per watt (0.03 m³/min/watt) and shall not use recirculation as a defrost strategy. In addition, the ERV shall be greater than or equal to 50% Latent Recovery/Moisture Transfer (LRMT).

R408.3.6 Energy efficient appliances. Appliances installed in a dwelling unit shall meet the product energy efficiency specifications listed in Table R408.3.6, or equivalent energy efficiency specifications. The three appliance types from Table R408.3.6 shall be installed for compliance with this section.

TABLE R408.3.6 MINIMUM EFFICIENCY REQUIREMENTS: APPLIANCES

<u>Appliance</u>	<u>Efficiency Improvement</u>	<u>Test Procedure</u>
<u>Refrigerator</u>	<u>Maximum Annual Energy Consumption (AEC) No greater than 620 kWh/yr</u>	<u>10 CFR 430, Subpart B, Appendix A</u>
<u>Dishwasher</u>	<u>Maximum Annual Energy Consumption (AEC) No greater than 270 kWh/yr</u>	<u>10 CFR 430, Subpart B, Appendix C1</u>
<u>Clothes Washer and Clothes Dryer</u>	<u>Maximum Annual Energy Consumption (AEC) for Clothes Washera No greater than 130 kWh/yr Integrated Modified Energy Factor (IMEF) > 1.84 cu.ft/kWh/cycle</u>	<u>10 CFR 430 Subpart B, Appendix J2 and 10 CFR 430, Subpart B, Appendices D1 and D2</u>

- a. Credit for Clothes Washer and Clothes Dryer pair is based on Clothes Washer efficiency.

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REFERENCED STANDARDS

<u>ASME</u>	<u>American Society of Mechanical Engineers Two Park Avenue New York, NY 10016-5990</u>
<u>BPVC</u>	<u>Boiler and Pressure Vessel Code</u>
<u>CTA</u>	<u>Consumer Technology Association Technology & Standards Department 1919 S Eads Street Arlington, VA 22202</u>
<u>ANSI/CTA-2045-B – 2018</u>	<u>Modular Communications Interface for Energy Management</u>
<u>ANSI/CTA-2045-A – 2018</u>	<u>Modular Communications Interface for Energy Management</u>
<u>IEC</u>	<u>IEC Regional Centre for North America 446 Main Street 16th Floor Worcester, MA 01608</u>
<u>IEC Regional Centre for North America.</u>	<u>IEC 62746-10-1 - 2018: Systems interface between customer energy management system and the power management system - Part 10-1: Open automated demand response</u>
<u>OpenADR</u>	<u>OpenADR Alliance 111 Deerwood Road, Suite 200 San Ramon, CA 94583</u>
<u>OpenADR Alliance.</u>	<u>OpenADR 2.0a and 2.0b – 2019: Profile Specification Distributed Energy Resources</u>
<u>AHRI</u>	<u>Air-Conditioning, Heating, & Refrigeration Institute 2111 Wilson Blvd, Suite 500 Arlington, VA 22201</u>

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<p><u>AHRI 1380-2019</u></p> <p><u>AHRI 1430-2022 (I-P)</u></p>	<p><u>Demand Response through Variable Capacity HVAC Systems in Residential and Small Commercial Applications</u></p> <p><u>Demand Flexible Electric Storage Water Heaters</u></p>
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SECTION R502
ADDITIONS

R502.3 Prescriptive compliance. Additions shall comply with Sections R502.3.1 through R502.3.5.

R502.3.1 Building envelope. New building envelope assemblies that are part of the addition shall comply with Sections R402.1, R402.2, R402.3.1 through R402.3.5, and R402.4.

Exception: New envelope assemblies are exempt from the requirements of Section R402.4.1.2.

R502.3.2 Heating and cooling systems. HVAC ducts newly installed as part of an addition shall comply with Section R403.

Exception: Where ducts from an existing heating and cooling system are extended to an addition.

R502.3.3 Service hot water systems. New service hot water systems that are part of the addition shall comply with Section R403.5.

R502.3.4 Lighting. New lighting systems that are part of the addition shall comply with Section R404.1.

R502.3.5 Additional Efficiency Requirements. Additions shall comply with sufficient measures from Table R408.3 to achieve not less than 10 credits. Alterations to the existing building that are not part of the addition, but permitted with the addition, shall be permitted to be used to achieve this requirement.

Exceptions:

1. Additions that increase the building's total conditioned floor area by less than 25%.

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2. Additions that do not include the addition or replacement of equipment covered in Sections R403.5 or R403.7.
3. Additions that do not contain conditioned space.
4. Where the addition alone or the existing building and addition together comply with Section R405 or R406.

SECTION R503
ALTERATIONS

R503.1.1.2 Roof replacement. Insulation shall comply with Section R402.1. Alternatively, where limiting conditions prevent compliance with Section R402.1, an approved design that minimizes deviation from Section R402.1 shall be provided for the following alterations:

1. Roof replacements or a roof alteration that includes removing and replacing the roof covering where the roof assembly includes insulation entirely above the roof deck. Where limiting conditions require use of an approved design to minimize deviation from Section R402.1 for a Group R-2 building, a registered design professional or other approved source shall provide construction documents that identify the limiting conditions and the means to address them.

R503.1.2 Heating and cooling systems. New heating and cooling and duct systems that are part of the alteration shall comply with Section R403 and this section. HVAC ducts newly installed as part of an alteration shall comply with Section R403. Alterations to heating, cooling and duct systems shall comply with this section.

R503.1.2.1 Ducts. HVAC ducts newly installed as part of an alteration shall comply with Section R403.

Exception: Where ducts from an existing heating and cooling system are extended to an addition.

R503.1.2.2 System sizing. New heating and cooling equipment that is part of an alteration shall be sized in accordance with Section R403.7 based on the existing building features as modified by the alteration.

Exception: Where it has been demonstrated to the code official that compliance with this section would result in heating or cooling equipment that is incompatible with the remaining portions of the existing heating or cooling system.

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R503.1.2.3 Duct leakage. Where an alteration includes any of the following, ducts shall be tested in accordance with Section R403.3.5 and shall have a total leakage less than or equal to 12.0 cubic feet per minute (339.9 L/min) per 100 square feet (9.29 m²) of conditioned floor area:

1. Where 25% or more of the registers that are part of the duct system are relocated.
2. Where 25% or more of the total length of all ducts in the system are relocated.
3. Where the total length of all ducts in the system is increased by 25% or more.

Exception: Duct systems located entirely inside a conditioned space in accordance with Section R403.3.2.

R503.1.2.4 Controls New heating and cooling equipment that are part of the alteration shall be provided with controls that comply with Sections R403.1 and R403.2.

(Source: Added at 48 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Video Gaming (General)
- 2) Code Citation: 11 Ill. Adm. Code 1800
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1800.320	Amendment
1800.322	New Section
1800.430	Amendment
1800.450	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 78 (a) (3) of the Video Gaming Act [230 ILCS 40/79 (a) (3)], which provides that the Illinois Gaming Board (IGB or Board) shall "adopt rules for the purpose of administering the provisions of this Act".
- 5) A Complete Description of the Subjects and Issues Involved: From the date of its enactment in 2009, the Video Gaming Act (the "Act") has prohibited vertical integration among different tiers of video gaming licensees. Among its other provisions on this topic, Section 30 of the Act [230 ILCS 40/30] prohibits terminal operators from being licensed as establishments or from owning, managing, or controlling licensed establishments. The First Illinois Appellate District Court upheld the Act's tiered license structure and restrictions on vertical integration in 2019 in Dotty's Café v. Illinois Gaming Board, 2019 IL App (1st) 173207. More recently, Public Act 102-0689, effective December 17, 2021, added to the prohibitions on vertical integration by banning licensed sales agents from owning or controlling licensed establishments. By enacting this new prohibition, the General Assembly reiterated the Act's intent to prevent persons from simultaneously participating on both sides of the video gaming terminal operator-establishment divide.

Certain practices may have developed over the years since 2009 that could be at odds with the spirit and intent of the Act's vertical integration prohibition, thereby creating uncertainty, inconsistency and suspicion. To achieve compliance with the statutory mandate and legislative intent regarding vertical integration in an effective, consistent and transparent manner, the IGB proposes adopting clear rules to prohibit certain problematic arrangements instead of addressing the issue through intensive investigations and disciplinary proceedings or not at all.

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Faithful adherence to the Act's vertical integration prohibitions raises complex issues that require attention and thoughtful action. Toward that end, the Board proposes the following:

Section 1800.320 is amended to provide that use agreements that do not comply with Illinois law or Board rules may not be renewed. This change will ensure that use agreements comport with the statutory prohibitions against vertical integration and the corresponding administrative rules found in new Sections 1800.322 and 1800.450. This change will further enhance the integrity, efficiency, transparency, and consistency of the IGB's regulatory functions and ensure compliance with the Video Gaming Act.

New Section 1800.322 prohibits use agreements between terminal operators and establishments under certain circumstances, including where owners or PSICs of a terminal operator are immediate family members of a direct or indirect owner, or a person of significant influence or control (PSIC), of a location or any affiliated entity. The new Section also prohibits a terminal operator that is the landlord of an establishment from entering into a use agreement with that establishment. These provisions apply only following the expiration of an existing use agreement between a terminal operator and a video gaming location. Lastly, the Section prohibits sales agents from soliciting use agreements from locations owned or controlled by the sales agent's immediate family.

Section 1800.430 is amended to provide that the franchisors of an establishment are considered PSICs of the establishment when the establishment obtains more than 50 percent of its revenue from net terminal income. This change will ensure that terminal operators cannot use the franchise mechanism as a means to exercise indirect control over establishments.

New Section 1800.450 makes explicit that all licensees are limited to one tier of the video gaming industry. This limitation forces all individuals and business entities to decide whether they wish to participate in the industry on the terminal operator side – including as terminal handlers, technicians, or sales agents – or on the establishment side. By prohibiting the practices that have developed over the years involving employees of terminal operators acting as establishment owners, or establishment owners being paid as terminal handlers, this section will make it much more difficult for licensees to engage in behavior that may violate Section 30 of the Act.

Recognizing that some existing licensees may face potential challenges if required to immediately comply with the requirements of the rulemaking upon its immediate effective date, new Sections 1800.322 and 1800.450 include clauses tying application of

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these sections to the expiration of current use agreements under which video gaming terminals are placed and operating in licensed video gaming locations. This grace period will allow licensees ample time to make the necessary arrangements to come into compliance with new Sections 1800.322 and 1800.450 before expiration of current use agreements.

- 6) Published studies and reports, and underlying sources of data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does the proposed 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? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
1800.370	New Section	47 Ill. Reg. 19279, December 29, 2023
1800.420	Amendment	48 Ill. Reg. 1541, January 26, 2024

- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate under 30 ILCS 805.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this Notice in the *Illinois Register* to:

Daniel Gerber
 General Counsel
 Illinois Gaming Board
 160 North LaSalle Street
 Chicago, Illinois 60601

(312) 814-4700
 IGB.RuleComments@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: The rulemaking will affect the following categories of licensees under the Video Gaming Act for small businesses within these categories: terminal operators; sales agents and brokers; and licensed video gaming locations.
- B) Procedures required for compliance: The rulemaking will require Board review of the ownership interests and financial activities of video gaming applicants, licensees, and PSICs in the following license categories: terminal operators, sales agents and brokers, and video gaming locations.
- C) Types of professional skills necessary for compliance: Skills in investigations of company ownership structures and finances. The Board's finance and audit unit and sworn investigators will participate in enforcing the provisions of the rulemaking.
- 14) Small business impact analysis:
- A) Types of businesses subject to the proposed rule:
- 55 Management of Companies and Enterprises
71 Arts, Entertainment, and Recreation
- B) Categories that the agency reasonably believes the rulemaking will impact, including:
- ii. regulatory requirements
x. other potential impacted categories
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized in a regulatory agenda.

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE D: VIDEO GAMING
CHAPTER I: ILLINOIS GAMING BOARD

PART 1800
VIDEO GAMING (GENERAL)

SUBPART A: GENERAL PROVISIONS

Section	
1800.110	Definitions
1800.115	Gender
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AUTHORITY: Implementing and authorized by Section 78(a)(3) of the Video Gaming Act [230 ILCS 40], which provides that the Illinois Gaming Board shall "adopt rules for the purpose of administering the provisions of this Act".

SOURCE: Adopted by emergency rulemaking at 33 Ill. Reg. 14793, effective October 19, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 2893, effective February 22, 2010; emergency amendment at 34 Ill. Reg. 8589, effective June 15, 2010, for a maximum of 150 days; emergency expired November 11, 2010; amended at 35 Ill. Reg. 1369, effective January 5, 2011; emergency amendment at 35 Ill. Reg. 13949, effective July 29, 2011, for a maximum of 150 days; emergency expired December 25, 2011; amended at 36 Ill. Reg. 840, effective January 6, 2012; amended by emergency rulemaking at 36 Ill. Reg. 4150, effective February 29, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 5455, effective March 21, 2012; amended at 36 Ill. Reg. 10029, effective June 28, 2012; emergency amendment at 36 Ill. Reg. 11492, effective July 6, 2012, for a maximum of 150 days; emergency expired December 2, 2012; emergency amendment at 36 Ill. Reg. 12895, effective July 24, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13178, effective July 30, 2012; amended at 36 Ill. Reg. 15112, effective October 1, 2012; amended at 36 Ill. Reg. 17033, effective November 21, 2012; expedited correction at 39

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Ill. Reg. 8183, effective November 21, 2012; amended at 36 Ill. Reg. 18550, effective December 14, 2012; amended at 37 Ill. Reg. 810, effective January 11, 2013; amended at 37 Ill. Reg. 4892, effective April 1, 2013; amended at 37 Ill. Reg. 7750, effective May 23, 2013; amended at 37 Ill. Reg. 18843, effective November 8, 2013; emergency amendment at 37 Ill. Reg. 19882, effective November 26, 2013, for a maximum of 150 days; emergency amendment suspended by the Joint Committee on Administrative Rules at 38 Ill. Reg. 3384, effective January 14, 2014; suspension withdrawn at 38 Ill. Reg. 5897; emergency repeal of emergency amendment at 38 Ill. Reg. 7337, effective March 12, 2014, for the remainder of the 150 days; amended at 38 Ill. Reg. 849, effective December 27, 2013; amended at 38 Ill. Reg. 14275, effective June 30, 2014; amended at 38 Ill. Reg. 19919, effective October 2, 2014; amended at 39 Ill. Reg. 5401, effective March 27, 2015; amended at 39 Ill. Reg. 5593, effective April 1, 2015; amended at 40 Ill. Reg. 2952, effective January 27, 2016; amended at 40 Ill. Reg. 8760, effective June 14, 2016; amended at 40 Ill. Reg. 12762, effective August 19, 2016; amended at 40 Ill. Reg. 15131, effective October 18, 2016; emergency amendment at 41 Ill. Reg. 2696, effective February 7, 2017, for a maximum of 150 days; amended at 41 Ill. Reg. 2939, effective February 24, 2017; amended at 41 Ill. Reg. 4499, effective April 14, 2017; amended at 41 Ill. Reg. 10300, effective July 13, 2017; amended at 42 Ill. Reg. 3126, effective February 2, 2018; amended at 42 Ill. Reg. 3735, effective February 6, 2018; emergency amendment at 43 Ill. Reg. 9261, effective August 13, 2019, for a maximum of 150 days; emergency amendment, except for the definition of "in-location bonus jackpot game" or "in-location progressive game" and the definition of "progressive jackpot" in Section 1800.110 and except for Section 1800.250(x), suspended at 43 Ill. Reg. 11061, effective September 18, 2019; amended at 44 Ill. Reg. 489, effective December 27, 2019; emergency amendment at 43 Ill. Reg. 9788, effective August 19, 2019, for a maximum of 150 days; amended at 44 Ill. Reg. 1961, effective December 31, 2019; emergency amendment at 43 Ill. Reg. 11688, effective September 26, 2019, for a maximum of 150 days; amended at 44 Ill. Reg. 3205, effective February 7, 2020; emergency amendment at 43 Ill. Reg. 13464, effective November 8, 2019, for a maximum of 150 days; emergency amendment suspended by the Joint Committee on Administrative Rules at 43 Ill. Reg. 13479, effective November 12, 2019; suspension withdrawn at 44 Ill. Reg. 3583; emergency amendment to emergency rule at 44 Ill. Reg. 3568, effective February 21, 2020, for the remainder of the 150 days; amended at 44 Ill. Reg. 10891, effective June 10, 2020; amended at 43 Ill. Reg. 14099, effective November 21, 2019; emergency amendment at 44 Ill. Reg. 10193, effective May 27, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 16454, effective September 25, 2020; emergency amendment at 44 Ill. Reg. 11104, effective June 15, 2020, for a maximum of 150 days; emergency expired November 11, 2020; amended at 44 Ill. Reg. 11134, effective June 22, 2020; emergency amendment at 44 Ill. Reg. 13463, effective July 28, 2020, for a maximum of 150 days; emergency expired December 24, 2020; amended at 45 Ill. Reg. 3424, effective March 8, 2021; amended at 45 Ill. Reg. 5375, effective April 12, 2021; amended at 45 Ill. Reg. 9971, effective July 20, 2021; emergency amendment at 45 Ill. Reg. 10074, effective July 26, 2021, for a

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maximum of 150 days; emergency expired December 22, 2021; amended at 46 Ill. Reg. 5530, effective March 16, 2022; amended at 46 Ill. Reg. 6916, effective April 25, 2022; amended at 46 Ill. Reg. 17107, effective September 28, 2022; amended at 46 Ill. Reg. 18049, effective October 31, 2022; amended at 47 Ill. Reg. 2682, effective February 10, 2023; amended at 47 Ill. Reg. 16355, effective November 1, 2023; amended at 48 Ill. Reg. _____, effective _____.

SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

Section 1800.320 Minimum Standards for Use Agreements

- a) No video gaming terminals may be placed unless the written agreement between the licensed terminal operator and the video gaming location complies with this Section. Any agreement under which video gaming terminals are currently placed~~All Use Agreements~~ must comply with the following:
- 1) Only be between:
 - A) A licensed terminal operator that, beginning July 15, 2014, is licensed by the Board at the time the Use Agreement is signed; and
 - B) For all applicants filing application for a licensed video gaming location on or after October 1, 2022, any of the following:
 - i) a licensed video gaming location;
 - ii) an applicant to become a licensed video gaming location;
or
 - iii) any person that applies to become a licensed video gaming location within one year of executing the Use Agreement;
 - 2) Subject to the requirements of subsection (a)(1)(B), if an applicant becomes licensed, a first-in-time Use Agreement, and any amendments thereto, shall control from the date the Use Agreement is executed, and be superior to any Use Agreements executed by the applicant after the first-in-time Use Agreement's execution.
 - 3) An executed Use Agreement becomes void if either:

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- A) the person executing the Use Agreement under subsection (a)(1)(B) fails to apply for a video gaming location license within one year of execution; or
 - B) the person executing the Use Agreement under subsection (a)(1)(B) is denied a video gaming location license by a Final Board Order.
- 4) Contain an affirmative statement that no inducement was offered or accepted regarding the placement or operation of video gaming terminals in a licensed video gaming location.
 - 5) Contain an indemnity and hold harmless provision on behalf of the State, the Board and its agents relative to any cause of action arising from a use agreement.
 - 6) Prohibit any assignment other than from a licensed terminal operator to another licensed terminal operator.
 - 7) Contain a provision that releases the video gaming location from any continuing contractual obligation to the terminal operator in the event that the terminal operator has its license revoked or denied, has its renewal denied, or surrenders its license.
 - 8) State which sales agent, broker or other person, if any, procured the Use Agreement on behalf of the terminal operator.
 - 9) Not provide for automatic renewal in the absence of cancellation.
 - 10) Not be for a length of time exceeding eight years.
 - 11) Contain a provision that terminates the Use Agreement if an applicant to be a licensed video gaming location is denied pursuant to a final Board order or a licensed video gaming location is not renewed pursuant to a final Board order.
 - 12) Contain a provision that the parties agree to modify the Use Agreement to the extent necessary to comply with a change in Illinois statutes, Board rules, or a Board directive or order.

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- 13) Terminal Operators shall provide a final copy of the Use Agreement to the video gaming location after execution by the parties.
- b) Petitions
- 1) The Board shall decide a petition brought by a terminal operator, licensed video gaming location or other interested party to determine the validity or enforceability of an agreement, or portion of an agreement, that purports to control the location and operation of video gaming terminals. For purposes of this Section an "interested party" is a party asserting legal rights whose enforcement requires, or may be materially and substantially affected by, Board action. Issues the Board has authority to decide under this subsection (b) include, but are not limited to, the following:
 - A) Whether the agreement is one that controls the placement or operation of video gaming terminals.
 - B) When two or more agreements between a licensed video gaming location and one or more terminal operators have overlapping effective dates, which of the agreements is valid during the period of overlap.
 - C) Whether an agreement, or portion of an agreement, complies with the requirements of the Act and this Part.
 - D) Whether a renewal provision in an agreement poses such obstacles against non-renewal, or confusion about the procedures for non-renewal, as to constitute an undue burden on the licensed video gaming location that has entered into the provision.
 - E) Whether a terminal operator or anyone on its behalf has used coercion, deception, or an inducement or incentive in violation of Section 25(c) of the Act or this Part to persuade a licensed video gaming location to enter into or renew an agreement.
 - F) Whether one or more terms of an agreement constitute practices detrimental to the public interest or against the best interests of video gaming.

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- 2) Petitions under this subsection (b) shall be in writing and shall include an original and one copy unless submitted by e-mail to an e-mail address designated for that purpose on the Board's website. Any petitioner under this Section shall bear the burden of proof by clear and convincing evidence. A petition shall contain the following:
 - A) The name, current address, current telephone number, and e-mail address of the petitioner.
 - B) Detailed facts and reasons upon which the petitioner relies in arguing that an agreement, or portion of an agreement, is invalid or unenforceable. Petitions may include documentary evidence and affidavits. When the petitioner is petitioning as an interested party, the petition must include detailed facts and reasons upon which the petitioner relies in arguing that it has legal rights whose enforcement requires, or may be materially and substantially affected by, Board action.
 - C) A signature of the petitioner.
 - D) A verification of the petition in the following form:

"The undersigned certifies that the statements set forth in this petition are true and correct, except as to matters therein stated to be on information and belief, and as to such matters the undersigned certifies that he or she verily believes the same to be true."
 - E) A notarization.
- 3) Following receipt of a petition meeting the requirements of subsection (b)(2), the Administrator shall promptly send by certified mail or e-mail to each non-petitioning terminal operator or licensed video gaming location or other interested party named in the petition a complete copy of the petition, including all submitted documents. Non-petitioning parties named in the petition must file a response within 21 days after their receipt of the petition. All responses shall be in writing and shall include an original and one copy unless submitted by e-mail to an e-mail address

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designated for that purpose on the Board's website. A response shall be deemed filed on the date on which it is postmarked. The response shall contain the following:

- A) The name, current address, current telephone number, and e-mail address of the responding party.
 - B) A clear and concise statement admitting or denying each of the allegations set forth in the petition.
 - C) For all allegations that the licensee denies, detailed facts and reasons upon which the non-petitioning party relies in arguing that the agreement, or portion of the agreement, is valid or enforceable. Responses may include documentary evidence and affidavits.
 - D) A signature of the licensee.
 - E) A verification of the licensee in the following form:

"The undersigned certifies that the statements set forth in this response are true and correct, except as to matters therein stated to be on information and belief, and as to such matters the undersigned certifies that he or she verily believes the same to be true."
 - F) A notarization.
- 4) The Administrator shall promptly provide a petitioning party with complete copies of all submitted responses meeting the requirements of subsection (c)(2).
 - 5) Before rendering a recommended decision, the Administrator may require the parties to attend a conference to attempt to settle any dispute under this subsection (b)(5).
 - 6) Administrator's Recommended Decision
 - A) Following the expiration of the 21-day response period, the Administrator shall issue a written recommended decision on the

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validity or enforceability of the contested agreement, or contested portions of the agreement, based on the contents of the petition and any responses.

- B) The Administrator's recommended decision shall set forth the reasons the Administrator is recommending the granting or denial of the petition. When the petition asserts more than one claim as to the validity or enforceability of the agreement, or a portion of the agreement, the Administrator shall separately decide each claim.
 - C) Copies of the Administrator's recommended decision shall be served on each party by personal delivery, certified mail or overnight express mail to the party's last known address, or e-mail provided pursuant to Section 1800.140 or subsection (b)(2)(A) of this Section.
- 7) A petitioning party or party named in a petition brought under this subsection (b) may file exceptions to the recommended decision of the Administrator. The exception shall be filed with the Board no later than 14 days after receipt of the recommended decision. Exceptions shall specify each finding of fact and conclusion of law to which exception is taken. There shall be no oral argument on exceptions.
- 8) Intervention
- A) Upon timely written application prior to the Administrator issuing a recommendation, the Administrator may, in his or her discretion, permit any interested party to intervene in the petition process, if that party may be materially and adversely affected by a final order arising from the petition.
 - B) In exercising his or her discretion, the Administrator shall consider whether intervention will unduly delay or prejudice the adjudication of the rights of the original parties.
 - C) A petition for intervention must meet the same standards as an initial petition or response under subsection (b)(2) or (b)(3). It must also include sufficient facts for the Administrator to find that

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the intervening party may be materially and adversely affected by a final order arising from the petition.

- D) Upon making a determination that a party may be permitted to intervene, the Administrator shall provide to the intervenor a copy of the original petition, as well as any responses. The Administrator shall also notify all other parties that the petition to intervene has been granted, and provide those parties with a copy of the petition to intervene.
- 9) Prior to the Board rendering a decision, the Administrator may require the parties to attend a conference to attempt to settle any dispute under this subsection (b).
- 10) Any relief given by the Board under this subsection (b) shall be limited to deciding which agreement, or portion of the agreement, is valid for the placement and operation of video gaming terminals in a licensed video gaming location. The Board has the express authority to order a licensed terminal operator to remove its Video Gaming Terminals from a licensed establishment if an agreement, or portion of the agreement, is invalidated. The Board shall not award monetary damages of any kind. Any failure by a party to abide by the Board's decision shall subject the licensee to discipline.
- 11) Ex Parte Communication Prohibited. No party or its representative shall make any communication directly or indirectly with the Administrator, employees, or members of the Illinois Gaming Board regarding a pending petition that imparts material information or makes a material argument, except upon notice to and opportunity for all parties to participate.
- 12) Final Board Order
- A) The Board shall review the entire record, including the petitions filed, the Administrator's recommended decision, and any exceptions filed, and shall render a written order including the bases for its decision.
- B) Copies of the final Board order shall be served on each licensee by personal delivery, certified mail or overnight express mail to the

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licensee's last known address, or e-mail provided pursuant to Section 1800.140 or subsection (b)(2)(A) of this Section.

- C) A final Board order shall become effective upon personal delivery to a party, upon posting by certified or overnight express mail to the party's last known address, or sending of e-mail provided pursuant to Section 1800.140 or subsection (b)(2)(A) of this Section.
- c) The Board shall promulgate a standard form for Use Agreements and establish an effective date for its implementation. All new and renewed Use Agreements entered into on or after that effective date shall incorporate the language of the standard form and shall be consistent with the standard form in all respects.
- d) Unless otherwise indicated, whenever the term "agreement" is used in this Section, it refers to an agreement that purports to control the operation and placement of video gaming terminals.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 1800.322 Restrictions on Use Agreements

- a) No licensed terminal operator may enter into a use agreement or other agreement that purports to control the placement or operation of video gaming terminals with a video gaming location if a direct or indirect owner or person of significant influence or control of the licensed terminal operator or any affiliated entity is an immediate family member of a direct or indirect owner or person of significant influence or control of the licensed video gaming location or any affiliated entity.
- b) No licensed terminal operator may enter into a use agreement or other agreement that purports to control the placement or operation of video gaming terminals with a video gaming location if any or all of the real estate upon which the video gaming establishment is located is owned entirely or in part by the licensed terminal operator, an affiliated entity of the licensed terminal operator, a person of significant influence or control of the licensed terminal operator, or an immediate family member of any person of significant influence or control of the licensed terminal operator.

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- c) No person may solicit a use agreement or other agreement that purports to control the placement or operation of video gaming terminals on behalf of a terminal operator from a video gaming location if that person is an immediate family member of a direct or indirect owner or person of significant influence or control of the video gaming location.
- d) Enforcement:
- 1) The prohibitions in this Part apply to all use agreements, except for any use agreement under which video gaming terminals are placed in a video gaming location on the effective date of this Section.
 - 2) Any use agreement between parties in violation of this Part can continue to operate video gaming terminals until the expiration of that use agreement. That use agreement can only be renewed in accordance with Section 1800.320.

(Source: Added at 48 Ill. Reg. _____, effective _____)

SUBPART D: LICENSING QUALIFICATIONS

Section 1800.430 Persons with Significant Influence or Control

- a) The Administrator shall identify each person that holds a position or level of influence over or control in each applicant or licensee that is significant to the regulatory concerns and obligations of the Board for the specified applicant or licensee.
- b) Each person identified as a person with significant influence or control shall comply with the following:
 - 1) Cooperate fully with any investigation conducted by or on behalf of the Board;
 - 2) Comply with the Act and this Part; and
 - 3) Submit initial and annual disclosure information on forms provided by the Board.

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- c) An owner or person with significant influence or control of a terminal operator shall not play any video gaming terminal owned or leased by the terminal operator at any operating licensed location for recreational purposes.
- d) Persons with significant influence or control include, but are not limited, to the following:
 - 1) Each person in whose name the liquor license is maintained for each licensed video gaming location;
 - 2) Each person directly owning an applicant or licensee;
 - 3) Each person who holds an indirect ownership interest of at least 5 percent in an applicant or licensee;
 - 4) Each person who, in the opinion of the Administrator, has the ability to influence or control the activities of the applicant or licensee or elect a majority of its board of directors, other than a bank or other licensed lending institution that holds a mortgage or other lien, or any other source of funds, acquired in the ordinary course of business;
 - 5) Persons having the power to exercise significant influence or control over decisions concerning any part of the applicant's or licensee's video gaming operation;
 - 6) Any person or business entity receiving any net terminal income pursuant to a contractual agreement;
 - 7) Any person or business entity holding an option agreement to acquire an equity stake in a terminal operator licensee;
 - 8) Any person employed or designated by a terminal operator as a progressive jackpot coordinator.
 - 9) Any person that has entered into a franchise agreement, licensing agreement, intellectual property agreement, or other substantially similar agreement with a video gaming location or its parent as a franchisor or equivalent, when the video gaming location obtains greater than 50% of the video gaming location's revenue from net terminal income.

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- e) The prohibition against gaming by persons with significant influence or control in a licensed nonprofit establishment, licensed fraternal establishment or licensed veterans establishment does not apply unless the person with significant influence or control directly manages the establishment's video gaming operation.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 1800.450 Restrictions on Multiple Licenses

- a) A licensed terminal handler, licensed technician, or sales agent and broker shall not:
- 1) Be a video gaming location;
 - 2) Hold direct or indirect ownership of a video gaming location;
 - 3) Hold direct or indirect ownership of an affiliated entity of a video gaming location;
 - 4) Be a person of significant influence or control of a video gaming location;
 - 5) Be employed by or otherwise receive fees for service from a video gaming location; or
 - 6) Be employed by or own or operate an affiliated entity of a video gaming location.
- b) A licensed terminal operator, a direct or indirect owner of a licensed terminal operator, a person of significant influence or control of a licensed terminal operator, or any person who is employed by or otherwise receives fees for service from a licensed terminal operator shall not, following the expiration of an existing use agreement with a video gaming location:
- 1) Be a video gaming location;
 - 2) Hold direct or indirect ownership of a video gaming location;

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- 3) Hold direct or indirect ownership of an affiliated entity of a video gaming location;
 - 4) Be a person of significant influence or control of a video gaming location;
 - 5) Be employed by or otherwise receive fees for service from a video gaming location; or
 - 6) Be employed by or own or operate an affiliated entity of a video gaming location.
- c) A video gaming location, a direct or indirect owner of a video gaming location, a person of significant influence or control of a video gaming location, or any person who is employed by or otherwise receives fees for service from a video gaming location, shall not, following the expiration of an existing use agreement with a terminal operator:
- 1) Be a licensed terminal handler, licensed technician, or licensed sales agent and broker;
 - 2) Be a licensed terminal operator;
 - 3) Hold direct or indirect ownership of a licensed terminal operator or licensed sales agent and broker;
 - 4) Hold direct or indirect ownership of an affiliated entity of a licensed terminal operator or licensed sales agent and broker;
 - 5) Be a person of significant influence or control of a licensed terminal operator or licensed sales agent and broker;
 - 6) Be employed by or otherwise receive fees for service from a licensed terminal operator or licensed sales agent and broker; or
 - 7) Be employed by or own or operate an affiliated entity of a licensed terminal operator or licensed sales agent and broker.
- d) Enforcement:

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- 1) The prohibitions in this Part apply to all use agreements, except for any use agreement under which video gaming terminals are placed in a video gaming location on the effective date of this Section.
- 2) Any use agreement between parties in violation of this Part can continue to operate video gaming terminals until the expiration of that use agreement. That use agreement can only be renewed in accordance with Section 1800.320.

(Source: Added at 48 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
130.1958	New Section
130.1959	New Section
- 4) Statutory Authority: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Sections 2505-25 and 2505-795 of the Department of Revenue Law [20 ILCS 2505].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements Public Acts 102-1125 and 102-669 as codified in 35 ILCS 120/5m, and Public Act 102-700 as codified in 35 ILCS 120/5n.

New Section 130.1958 is created to implement the statutory exemption under Section 5n of the Retailers' Occupation Tax Act, 35 ILCS 120/5n. The exemption provides that sales of building materials that will be incorporated into real estate in a qualified facility, for which a certificate of exemption has been issued by the Department of Commerce and Economic Opportunity ("DCEO") under Section 110-105 of the Manufacturing Illinois Chips for Real Opportunity ("MICRO") (Act, 35 ILCS 45/110-1 et seq.), are exempt from State or local use and occupation taxes. This new section 130.1958 provides examples of qualifying and non-qualifying building materials, explains the certification process with the Illinois Department of Revenue ("IDOR"), provides suspension and revocation criteria for failure to file an annual report or unlawful use of an exemption certificate, lists annual report requirements, and describes ineligibility and protest procedures.

New Section 130.1959 is created to implement the statutory exemption under Section 5m of the Retailers' Occupation Tax Act, 35 ILCS 120/5m. The exemption provides that sales of building materials that will be incorporated into a REV Illinois Project, for which a certificate of exemption has been issued by the DCEO under Section 105 of the Reimagining Energy and Vehicles in Illinois Act ("REV Illinois Act") [20 ILCS 686/1 et seq.], are exempt from State or local use and occupation taxes. This new section 130.1959 provides examples of qualifying and non-qualifying building materials, explains the certification process with IDOR, provides suspension and revocation criteria for failure to file an annual report or unlawful use of an exemption certificate, lists annual report requirements, and describes ineligibility and protest procedures.

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- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
130.210	Amendment	48 Ill. Reg. 3576; March 15, 2024
130.215	Amendment	48 Ill. Reg. 3576; March 15, 2024
130.330	Amendment	48 Ill. Reg. 3576; March 15, 2024
130.1930	Amendment	48 Ill. Reg. 3576; March 15, 2024
130.1980	Amendment	48 Ill. Reg. 3576; March 15, 2024
130.2005	Amendment	48 Ill. Reg. 3576; March 15, 2024
130.2020	Amendment	48 Ill. Reg. 3576; March 15, 2024
130.2145	Amendment	48 Ill. Reg. 3576; March 15, 2024
130.120	Amendment	48 Ill. Reg. 6748; May 10, 2024
130.320	Amendment	48 Ill. Reg. 6748; May 10, 2024

- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or enlarge a State mandate as described in Section 3(b) of the State Mandates Act.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Katarzyna Kowalska
 Associate Counsel
 Legal Services Office - Sales and Excise Tax Policy
 Illinois Department of Revenue
 101 West Jefferson
 Springfield, Illinois 62794

Phone: (217) 782-2844

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REV.GCO@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Affects entities engaged in 1) semiconductor manufacturing, microchip manufacturing, or manufacturing of semiconductor or microchip component parts; and 2) electric vehicle manufacturing, an electric vehicle component parts manufacturing, an electric vehicle power supply equipment manufacturing, or renewable energy manufacturing.
 - B) Reporting, bookkeeping or other procedures required for compliance: General bookkeeping
 - C) Types of professional skills necessary for compliance: Accounting, bookkeeping, sales tax compliance
- 14) Small Business Impact Analysis:
- A) Types of businesses subject to the proposed rule:
31-33 Manufacturing
 - B) Categories that the agency reasonably believes the rulemaking will impact, including:
 - ii. regulatory requirements
 - viii. record keeping
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2024

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 130
RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section	
130.101	Character and Rate of Tax
130.105	Responsibility of Trustees, Receivers, Executors or Administrators
130.110	Occasional Sales
130.111	Sale of Used Motor Vehicles, Aircraft, or Watercraft by Leasing or Rental Business
130.115	Habitual Sales
130.120	Nontaxable Transactions

SUBPART B: SALE AT RETAIL

Section	
130.201	The Test of a Sale at Retail
130.205	Sales for Transfer Incident to Service
130.210	Sales of Tangible Personal Property to Purchasers for Resale
130.215	Further Illustrations of Sales for Use or Consumption Versus Sales for Resale
130.220	Sales to Lessors of Tangible Personal Property
130.225	Drop Shipments

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section	
130.305	Farm Machinery and Equipment
130.310	Food, Soft Drinks and Candy
130.311	Drugs, Medicines, Medical Appliances and Grooming and Hygiene Products
130.315	Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.320	Gasohol, Majority Blended Ethanol, Biodiesel Blends, and 100% Biodiesel
130.321	Fuel Used by Air Common Carriers in Flights Engaged in Foreign Trade or Engaged in Trade Between the United States and any of its Possessions
130.325	Graphic Arts Machinery and Equipment Exemption
130.330	Manufacturing Machinery and Equipment

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- 130.331 Manufacturer's Purchase Credit
- 130.332 Automatic Vending Machines
- 130.335 Pollution Control Facilities and Low Sulfur Dioxide Emission Coal-Fueled Devices
- 130.340 Rolling Stock
- 130.341 Commercial Distribution Fee Sales Tax Exemption
- 130.345 Oil Field Exploration, Drilling and Production Equipment
- 130.350 Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
- 130.351 Aggregate Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment

SUBPART D: GROSS RECEIPTS

Section

- 130.401 Meaning of Gross Receipts
- 130.405 How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser
- 130.410 Cost of Doing Business Not Deductible
- 130.415 Transportation and Delivery Charges
- 130.420 Finance or Interest Charges – Penalties – Discounts
- 130.425 Traded-In Property
- 130.430 Deposit or Prepayment on Purchase Price
- 130.435 State and Local Taxes Other Than Retailers' Occupation Tax
- 130.440 Penalties
- 130.445 Federal Taxes
- 130.450 Installation, Alteration and Special Service Charges
- 130.455 Motor Vehicle Leasing and Trade-In Allowances

SUBPART E: RETURNS

Section

- 130.501 Monthly Tax Returns – When Due – Contents
- 130.502 Quarterly Tax Returns
- 130.505 Returns and How to Prepare
- 130.510 Annual Tax Returns
- 130.515 First Return
- 130.520 Final Returns When Business is Discontinued
- 130.525 Who May Sign Returns
- 130.530 Returns Covering More Than One Location Under Same Registration – Separate

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	Returns for Separately Registered Locations
130.535	Payment of the Tax, Including Quarter Monthly Payments in Certain Instances
130.540	Returns on a Transaction by Transaction Basis
130.545	Registrants Must File a Return for Every Return Period
130.550	Filing of Returns for Retailers by Suppliers Under Certain Circumstances
130.551	Prepayment of Retailers' Occupation Tax on Motor Fuel
130.552	Alcoholic Liquor Reporting
130.555	Vending Machine Information Returns
130.560	Verification of Returns

SUBPART F: INTERSTATE COMMERCE

Section	
130.601	Preliminary Comments (Repealed)
130.605	Sales of Property Originating in Illinois; Questions of Interstate Commerce
130.610	Sales of Property Originating in Other States (Repealed)

SUBPART G: CERTIFICATE OF REGISTRATION

Section	
130.701	General Information on Obtaining a Certificate of Registration
130.705	Procedure in Disputed Cases Involving Financial Responsibility Requirements
130.710	Procedure When Security Must be Forfeited
130.715	Sub-Certificates of Registration
130.720	Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances
130.725	Display
130.730	Replacement of Certificate
130.735	Certificate Not Transferable
130.740	Certificate Required For Mobile Vending Units
130.745	Revocation of Certificate

SUBPART H: BOOKS AND RECORDS

Section	
130.801	Books and Records – General Requirements
130.805	What Records Constitute Minimum Requirement
130.810	Records Required to Support Deductions
130.815	Preservation and Retention of Records

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- 130.820 Preservation of Books During Pendency of Assessment Proceedings
130.825 Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

SUBPART I: PENALTIES AND INTEREST

- Section
130.901 Civil Penalties
130.905 Interest
130.910 Criminal Penalties
130.915 Criminal Investigations

SUBPART J: BINDING OPINIONS

- Section
130.1001 When Opinions from the Department are Binding

SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

- Section
130.1101 Definition of Federal Area
130.1105 When Deliveries on Federal Areas Are Taxable
130.1110 No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

- Section
130.1201 General Information
130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

- Section
130.1301 When Lessee of Premises Must File Return for Leased Department
130.1305 When Lessor of Premises Should File Return for Business Operated on Leased Premises
130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

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SUBPART N: SALES FOR RESALE

Section

- 130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale
- 130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale
- 130.1410 Requirements for Certificates of Resale (Repealed)
- 130.1415 Resale Number – When Required and How Obtained
- 130.1420 Blanket Certificate of Resale (Repealed)

SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section

- 130.1501 Claims for Credit – Limitations – Procedure
- 130.1505 Disposition of Credit Memoranda by Holders Thereof
- 130.1510 Refunds
- 130.1515 Interest
- 130.1520 Verified Credit

SUBPART P: PROCEDURE TO BE FOLLOWED UPON
SELLING OUT OR DISCONTINUING BUSINESS

Section

- 130.1601 When Returns are Required After a Business is Discontinued
- 130.1605 When Returns Are Not Required After Discontinuation of a Business
- 130.1610 Cross Reference to Bulk Sales Regulation

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section

- 130.1701 Bulk Sales: Notices of Sales of Business Assets

SUBPART R: POWER OF ATTORNEY

Section

- 130.1801 When Powers of Attorney May be Given
- 130.1805 Filing of Power of Attorney With Department
- 130.1810 Filing of Papers by Agent Under Power of Attorney

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SUBPART S: SPECIFIC APPLICATIONS

Section

- 130.1901 Addition Agents to Plating Baths
- 130.1905 Agricultural Producers
- 130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles
- 130.1915 Auctioneers and Agents
- 130.1920 Barbers and Beauty Shop Operators
- 130.1925 Blacksmiths
- 130.1930 Chiropodists, Osteopaths and Chiropractors
- 130.1934 Community Water Supply
- 130.1935 Computer Software
- 130.1940 Construction Contractors and Real Estate Developers
- 130.1945 Co-operative Associations
- 130.1946 Tangible Personal Property Used or Consumed in Graphic Arts Production within Enterprise Zones Located in a County of more than 4,000 Persons and less than 45,000 Persons
- 130.1947 Tangible Personal Property Used or Consumed in the Process of Manufacturing and Assembly within Enterprise Zones or by High Impact Businesses
- 130.1948 Tangible Personal Property Used or Consumed in the Operation of Pollution Control Facilities Located within Enterprises Zones
- 130.1949 Sales of Building Materials Incorporated into the South Suburban Airport
- 130.1950 Sales of Building Materials Incorporated into the Illiana Expressway
- 130.1951 Sales of Building Materials Incorporated into Real Estate within Enterprise Zones
- 130.1952 Sales of Building Materials to a High Impact Business
- 130.1953 Sales of Building Materials to be Incorporated into a Redevelopment Project Area within an Intermodal Terminal Facility Area
- 130.1954 Sales of Building Materials Incorporated into Real Estate within River Edge Redevelopment Zones
- 130.1955 Farm Chemicals
- 130.1956 Dentists
- 130.1957 Tangible Personal Property Used in the Construction or Operation of Data Centers
- [130.1958 Sales of Building Materials to be Incorporated into Real Estate in a Qualified Facility under the Manufacturing Illinois Chips for Real Opportunity \(MICRO\) Act](#)
- [130.1959 Sales of Building Materials to be Incorporated into a REV Illinois Project under](#)

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[the Reimagining Energy and Vehicles in Illinois Act](#)

- 130.1960 Finance Companies and Other Lending Agencies – Installment Contracts – Bad Debts
- 130.1965 Florists and Nurserymen
- 130.1970 Hatcheries
- 130.1971 Sellers of Pets and the Like
- 130.1975 Operators of Games of Chance and Their Suppliers
- 130.1980 Optometrists and Opticians
- 130.1985 Pawnbrokers
- 130.1990 Peddlers, Hawkers and Itinerant Vendors
- 130.1995 Personalizing Tangible Personal Property
- 130.2000 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers
- 130.2004 Sales to Nonprofit Arts or Cultural Organizations
- 130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons
- 130.2006 Sales by Teacher-Sponsored Student Organizations
- 130.2007 Exemption Identification Numbers
- 130.2008 Sales by Nonprofit Service Enterprises
- 130.2009 Personal Property Purchased Through Certain Fundraising Events for the Benefit of Certain Schools
- 130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to Others
- 130.2011 Sales to Persons Who Lease Tangible Personal Property to Exempt Hospitals
- 130.2012 Sales to Persons Who Lease Tangible Personal Property to Governmental Bodies
- 130.2013 Persons in the Business of Both Renting and Selling Tangible Personal Property – Tax Liabilities, Credit
- 130.2015 Persons Who Repair or Otherwise Service Tangible Personal Property
- 130.2020 Physicians and Surgeons
- 130.2025 Picture-Framers
- 130.2030 Public Amusement Places
- 130.2035 Registered Pharmacists and Druggists
- 130.2040 Retailers of Clothing
- 130.2045 Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like
- 130.2050 Sales and Gifts By Employers to Employees
- 130.2055 Sales by Governmental Bodies
- 130.2060 Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
- 130.2065 Sales of Automobiles for Use In Demonstration (Repealed)
- 130.2070 Sales of Containers, Wrapping and Packing Materials and Related Products

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130.2075	Sales To Construction Contractors, Real Estate Developers and Speculative Builders
130.2076	Sales to Purchasers Performing Contracts with Governmental Bodies
130.2080	Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel
130.2081	Tax-Free Purchases By Exempt Entities, Their Employees and Representatives, and Documenting Sales to Exempt Entities, Their Employees and Representatives
130.2085	Sales to or by Banks, Savings and Loan Associations and Credit Unions
130.2090	Sales to Railroad Companies
130.2095	Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
130.2100	Sellers of Feeds and Breeding Livestock
130.2101	Sellers of Floor Coverings
130.2105	Sellers of Newspapers, Magazines, Books, Sheet Music and Musical Recordings, and Their Suppliers; Transfer of Data Downloaded Electronically
130.2110	Sellers of Seeds and Fertilizer
130.2115	Sellers of Machinery, Tools and Special Order Items
130.2120	Suppliers of Persons Engaged in Service Occupations and Professions
130.2125	Discount Coupons, Gift Situations, Trading Stamps, Automobile Rebates and Dealer Incentives
130.2130	Undertakers and Funeral Directors
130.2135	Vending Machines
130.2140	Vendors of Curtains, Slip Covers and Other Similar Items Made to Order
130.2145	Vendors of Meals
130.2150	Vendors of Memorial Stones and Monuments
130.2155	Tax Liability of Sign Vendors
130.2156	Vendors of Steam
130.2160	Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
130.2165	Veterinarians
130.2170	Warehousemen

SUBPART T: DIRECT PAYMENT PROGRAM

Section	
130.2500	Direct Payment Program
130.2505	Qualifying Transactions, Non-transferability of Permit
130.2510	Permit Holder's Payment of Tax
130.2515	Application for Permit
130.2520	Qualification Process and Requirements
130.2525	Application Review

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130.2530 Recordkeeping Requirements
130.2535 Revocation and Withdrawal

130.ILLUSTRATION A Examples of Tax Exemption Cards
130.ILLUSTRATION B Example of Notice of Revocation of Certificate of Registration
130.ILLUSTRATION C Food Flow Chart
130.ILLUSTRATION D Example of a Notice of Expiration of Certificate of Registration

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Sections 2505-25 and 2505-795 of the Department of Revenue Law [20 ILCS 2505].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757,

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effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. 941, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1792, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 4674, effective March 15, 2001; amended at 25 Ill. Reg. 4950, effective March 19, 2001; amended at 25 Ill. Reg. 5398, effective April 2, 2001; amended at 25 Ill. Reg. 6515, effective May 3, 2001; expedited correction at 25 Ill. Reg. 15681, effective May 3, 2001; amended at 25 Ill. Reg. 6713, effective May 9, 2001; amended at 25 Ill. Reg. 7264, effective May 25, 2001; amended at 25 Ill. Reg. 10917, effective August 13, 2001; amended at 25 Ill. Reg. 12841, effective October 1, 2001; amended at 26 Ill. Reg. 958, effective January 15, 2002; amended at 26 Ill. Reg. 1303, effective January 17, 2002; amended at 26 Ill. Reg. 3196, effective February 13, 2002; amended at 26 Ill. Reg. 5369, effective April 1, 2002; amended at 26 Ill. Reg. 5946, effective April 15, 2002; amended at 26 Ill. Reg. 8423, effective May 24, 2002; amended at 26 Ill. Reg. 9885, effective June 24, 2002; amended at 27 Ill. Reg. 795, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 11099, effective July 7, 2003, for a maximum of 150 days; emergency expired December 3, 2003; amended at 27 Ill. Reg. 17216, effective November 3, 2003; emergency amendment at 27 Ill. Reg. 18911, effective November 26, 2003, for a maximum of 150 days; emergency expired April 23, 2004; amended at 28 Ill. Reg. 9121, effective June 18, 2004; amended at 28 Ill. Reg. 11268, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 15193, effective November 3, 2004, for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 7004, effective April 26, 2005; amended at 31 Ill. Reg. 3574, effective February 16, 2007; amended at 31 Ill. Reg. 5621, effective March 23, 2007; amended at 31 Ill. Reg. 13004, effective August 21, 2007; amended at 31 Ill. Reg. 14091, effective September 21, 2007; amended at 32 Ill. Reg. 4226, effective March

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6, 2008; emergency amendment at 32 Ill. Reg. 8785, effective May 29, 2008, for a maximum of 150 days; emergency expired October 25, 2008; amended at 32 Ill. Reg. 10207, effective June 24, 2008; amended at 32 Ill. Reg. 17228, effective October 15, 2008; amended at 32 Ill. Reg. 17519, effective October 24, 2008; amended at 32 Ill. Reg. 19128, effective December 1, 2008; amended at 33 Ill. Reg. 1762, effective January 13, 2009; amended at 33 Ill. Reg. 2345, effective January 23, 2009; amended at 33 Ill. Reg. 3999, effective February 23, 2009; amended at 33 Ill. Reg. 15781, effective October 27, 2009; amended at 33 Ill. Reg. 16711, effective November 20, 2009; amended at 34 Ill. Reg. 9405, effective June 23, 2010; amended at 34 Ill. Reg. 12935, effective August 19, 2010; amended at 35 Ill. Reg. 2169, effective January 24, 2011; amended at 36 Ill. Reg. 6662, effective April 12, 2012; amended at 38 Ill. Reg. 12909, effective June 9, 2014; amended at 38 Ill. Reg. 17060, effective July 25, 2014; amended at 38 Ill. Reg. 17421, effective July 31, 2014; amended at 38 Ill. Reg. 17756, effective August 6, 2014; amended at 38 Ill. Reg. 19998, effective October 1, 2014; amended at 39 Ill. Reg. 1793, effective January 12, 2015; amended at 39 Ill. Reg. 12597, effective August 26, 2015; amended at 39 Ill. Reg. 14616, effective October 22, 2015; amended at 40 Ill. Reg. 6130, effective April 1, 2016; amended at 40 Ill. Reg. 13448, effective September 9, 2016; amended at 41 Ill. Reg. 10721, effective August 1, 2017; amended at 42 Ill. Reg. 2850, effective January 26, 2018; amended at 43 Ill. Reg. 4201, effective March 20, 2019; amended at 43 Ill. Reg. 5069, effective April 17, 2019; amended at 43 Ill. Reg. 8865, effective July 30, 2019; emergency amendment at 43 Ill. Reg. 9841, effective August 21, 2019, for a maximum of 150 days; emergency amendment at 44 Ill. Reg. 552, effective December 27, 2019, for a maximum of 150 days; emergency expired May 24, 2020; emergency amendment at 44 Ill. Reg. 2055, effective January 13, 2020, for a maximum of 180 days; amended at 44 Ill. Reg. 5392, effective March 16, 2020; amended at 44 Ill. Reg. 10981, effective June 10, 2020; amended at 44 Ill. Reg. 13975, effective August 11, 2020; amended at 45 Ill. Reg. 352, effective December 21, 2020; amended at 45 Ill. Reg. 7248, effective June 3, 2021; amended at 45 Ill. Reg. 14464, effective November 2, 2021; amended at 45 Ill. Reg. 16058, effective December 3, 2021; amended at 46 Ill. Reg. 6745, effective April 12, 2022; amended at 46 Ill. Reg. 7785, effective April 26, 2022; amended at 46 Ill. Reg. 10905, effective June 7, 2022; amended at 46 Ill. Reg. 15336, effective August 23, 2022; amended at 46 Ill. Reg. 18120, effective October 25, 2022; amended at 46 Ill. Reg. 18827, effective November 1, 2022; amended at 47 Ill. Reg. 1426, effective January 17, 2023; amended at 47 Ill. Reg. 2116, effective January 24, 2023; amended at 47 Ill. Reg. 5751, effective April 4, 2023; amended at 47 Ill. Reg. 6068, effective April 12, 2023; amended at 47 Ill. Reg. 6309, effective April 18, 2023; amended at 47 Ill. Reg. 19135, effective December 6, 2023; amended at 47 Ill. Reg. 19349, effective December 12, 2023; amended at 48 Ill. Reg. 1870, effective January 18, 2024; amended at 48 Ill. Reg. 2856, effective February 8, 2024; amended at 48 Ill. Reg. _____, effective _____.

SUBPART S: SPECIFIC APPLICATIONS

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Section 130.1958 Sales of Building Materials to be Incorporated into Real Estate in a Qualified Facility under the Manufacturing Illinois Chips for Real Opportunity (MICRO) Act

- a) Each retailer who makes a sale of building materials that will be incorporated into real estate in a qualified facility for which a certificate of exemption has been issued by the Department of Commerce and Economic Opportunity ("DCEO") under Section 110-105 of the Manufacturing Illinois Chips for Real Opportunity (MICRO) Act ("MICRO Act") (35 ILCS 45/110-105), may deduct receipts from such sales when calculating any State or local use and occupation taxes. [35 ILCS 120/5n]
- b) No retailer who is eligible for the deduction or credit under Section 5k of the Retailers' Occupation Tax Act ("ROTA") related to enterprise zones or Section 5l of the ROTA related to High Impact Businesses for a given sale shall be eligible for the deduction or credit authorized under Section 5n of the ROTA for that same sale. [35 ILCS 120/5n]
- c) Building materials that are physically incorporated into the real estate in a qualified facility and thus qualify for the exemption include, but are not limited to:
- 1) Common building materials such as lumber, bricks, cement, windows, doors, insulation, roofing materials, and sheet metal;
 - 2) Plumbing systems and components such as bathtubs, lavatories, sinks, faucets, garbage disposals, water pumps, water heaters, water softeners, and water pipes;
 - 3) Heating systems and components such as furnaces, ductwork, vents, stokers, boilers, heating pipes, and radiators;
 - 4) Electrical systems and components such as wiring, outlets, and light fixtures that are physically incorporated into the real estate;
 - 5) Central air conditioning systems, ventilation systems, and components that are physically incorporated into the real estate;

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- 6) Built-in cabinets and other woodwork that are physically incorporated into the real estate;
 - 7) Built-in appliances such as refrigerators, stoves, ovens, and trash compactors that are physically incorporated into the real estate; and
 - 8) Floor coverings such as tile, linoleum, and carpeting that are glued or otherwise permanently affixed to the real estate by use of tacks, staples, or wood stripping filled with nails that protrude upward also known as tacking strips or tack-down strips.
- d) Building materials that are not physically incorporated into the real estate in a qualified facility and thus do not qualify for the exemption include, but are not limited to:
- 1) Tools, machinery, equipment, fuel, forms, and other items that may be used by a construction contractor at a qualified facility, but that are not physically incorporated into the real estate;
 - 2) Free-standing appliances such as stoves, ovens, refrigerators, washing machines, portable ventilation units, window air conditioning units, lamps, clothes washers, clothes dryers, trash compactors, and dishwashers that may be connected to and operate from a building's electrical or plumbing system but that do not become a component of those systems; and
 - 3) Floor coverings that are area rugs or that are attached to the structure using only two-sided tape.
- e) Certification of exemption from the DCEO
- 1) *The DCEO may certify a taxpayer with a project that meets the qualifications under paragraphs (1), (2), or (4) of subsection (c) of Section 110-20 of the MICRO Act (35 ILCS 45/110-20), subject to an agreement under the MICRO Act, for an exemption from any State or local use tax or retailers' occupation tax on building materials for the construction of its project facilities. The taxpayer must meet any criteria for certification set by the DCEO under the MICRO Act. [35 ILCS 45/110-105(a)]*

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- 2) Upon certification by the DCEO under Section 110-105 of the MICRO Act, the DCEO will notify the Department of Revenue of the certification. [35 ILCS 45/110-105(a)]
- f) MICRO Illinois Building Materials Exemption Certificate from the Department of Revenue
- 1) Upon request from a person that has been certified by the DCEO under the MICRO Act, the Department shall issue a MICRO Illinois Building Materials Exemption Certificate for each construction contractor or other entity identified by the person so certified. The Department shall make the MICRO Illinois Building Materials Exemption Certificates available to each construction contractor or other entity as well as the person certified under the MICRO Act. [35 ILCS 120/5n]
 - 2) Request for exemption certificates shall be submitted electronically and must contain the following information:
 - A) The name and address of the construction contractor or other entity;
 - B) The name and location or address of the building project site;
 - C) The estimated amount of the exemption for each construction contractor or other entity for which a request for an exemption certificate is made, based on a stated estimated average tax rate and the percentage of the contract that consists of materials;
 - D) The period of time over which supplies for the project are expected to be purchased; and
 - E) FEIN numbers of the contractor and entity, to determine if the contractor or other entity, or any partner, or a corporate officer, and in the case of a limited liability company, any manager or member, of the construction contractor or other entity, is or has been the owner, a partner, a corporate officer, and in the case of a limited liability company, a manager or member, of a person that is in default for moneys due to the Department under the ROTA or

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any other tax or fee Act administered by the Department. [35 ILCS 120/5n]

- 3) The Department shall issue the exemption certificates electronically and the certificates shall contain the following information:
 - A) Unique identifying number;
 - B) Name of entity to whom the exemption certificate is issued;
 - C) Expiration date which shall be no more than 5 years after the issuance date; and
 - D) Language that, if the construction contractor or other entity who is issued the exemption certificate makes a tax-exempt purchase, as described in Section 5n of the ROTA, that is not eligible for exemption under Section 5n of the ROTA or allows another person to make a tax-exempt purchase, as described in Section 5n of the ROTA, that is not eligible for exemption under Section 5n of the ROTA, then, in addition to any tax or other penalty imposed, the construction contractor or other entity is subject to a penalty equal to the tax that would have been paid by the retailer under the ROTA as well as any applicable local retailers' occupation tax on the purchase that is not eligible for the exemption. [35 ILCS 120/5n]
- 4) The Department shall issue the exemption certificate within 3 business days after receipt of request. This requirement does not apply in circumstances where the Department, for reasonable cause, is unable to issue the exemption certificate within 3 business days. [35 ILCS 120/5n] Examples of "reasonable cause" include, but are not limited to, receipt of a request lacking all the information required by 35 ILCS 120/5n, the receipt of a large number of requests for exemption certificates, or lack of sufficient staff to process the number of existing requests.
- 5) The exemption status shall take effect within 3 months after certification of the taxpayer and notice to the Department of Revenue by the DCEO. [35 ILCS 45/110-105(a)]

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- 6) The exemption period shall not exceed 5 years. [35 ILCS 120/5n; 35 ILCS 45/110-105(a)]
- 7) The Department may refuse to issue an exemption certificate under Section 5n of the ROTA if the owner, any partner, or a corporate officer, and in the case of a limited liability company, any manager or member, of the construction contractor or other entity is or has been the owner, a partner, a corporate officer, and in the case of a limited liability company, a manager or member, of a person that is in default for moneys due to the Department under the ROTA or any other tax or fee Act administered by the Department. [35 ILCS 120/5n]
- 8) At the request of the entity to whom the exemption certificate is issued, the Department may renew an exemption certificate issued under Section 5n of the ROTA. [35 ILCS 120/5n]
- 9) After the Department issues exemption certificates under Section 5n of the ROTA, the certified entity may notify the Department of additional construction contractors or other entities eligible for an exemption certificate under Section 5n of the ROTA. Upon such a notification and subject to the other provisions of Section 5n of the ROTA, the Department shall issue an exemption certificate to each additional qualified construction contractor or other entity so identified. [35 ILCS 120/5n]
- 10) A certified entity may notify the Department to rescind an exemption certificate previously issued by the Department that has not yet expired. Upon such a notification and subject to the other provisions of Section 5n of the ROTA, the Department shall rescind the exemption certificate. [35 ILCS 120/5n]
- 11) The request to issue, renew, or rescind an exemption certificate, or the request to add additional construction contractors or other entities, must be submitted to the Department by an employee, corporate officer, partner, limited liability company manager or member, or designated agent who cannot be a contractor or subcontractor, of the person or entity certified by the DCEO under the MICRO Act. The designation of agent must be made in writing to the Department by the corporate officer, partner, limited liability company manager or member of the person or entity certified by the DCEO under the MICRO Act.

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- g) Required documentation of sale
- 1) *A construction contractor or other entity shall not make tax-free purchases unless it has an active exemption certificate issued by the Department at the time of purchase. [35 ILCS 120/5n]*
 - 2) *In addition to any other requirements to document the exemption allowed under Section 5n of the ROTA, the retailer must obtain the purchaser's exemption certificate number issued by the Department. [35 ILCS 120/5n]*
 - 3) The retailer must also obtain a certification from the purchaser that contains:
 - A) A statement that the building materials are being purchased for incorporation into real estate in a qualified facility;
 - B) The location or address of the real estate into which the building materials will be incorporated;
 - C) The name and address of the construction contractor or other entity;
 - D) A description of the building materials being purchased;
 - E) The purchaser's MICRO Illinois Building Materials Exemption Certificate number issued by the Department of Revenue; and
 - F) The purchaser's signature and date of purchase.
 - 4) The retailer may comply with this subsection (g) certification requirement by securing from the purchaser a completed and signed Form EZ-1.
- h) Annual Reports
- 1) *For applicants issued a certificate of exemption under Section 110-105 of the MICRO Act, the report shall be the same as required for a High*

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Impact Business under subsection (a-5) of Section 8.1 of the Illinois Enterprise Zone Act (20 ILCS 655/8.1(a-5)). [35 ILCS 45/30(f)]

- A) Each contractor or other entity that has been issued a MICRO Illinois Building Materials Exemption Certificate under Section 5n of the ROTA shall annually report to the Department of Revenue the total value of the MICRO Illinois building materials exemption from State taxes.
 - B) Reports shall contain information reasonably required by the Department of Revenue to enable it to verify and calculate the total tax benefits for taxes imposed by the State and shall be broken down by MICRO Illinois Project site.
 - C) Reports are due no later than May 31 of each year and shall cover the previous calendar year.
- 2) Suspension of Exemption Certificate for Failure to Report Data. A contractor or other entity that fails to comply with the reporting requirements or deadlines provided in subsection (h)(1) shall have the exemption certificate for which it failed to report suspended.
- A) First Offense: A contractor or other entity that fails to comply with the reporting requirements or deadlines provided in subsection (h)(1) shall have the exemption certificate suspended until the contractor or other entity complies with the reporting requirements.
 - B) Second Offense: A contractor or other entity that fails to comply with the reporting requirements or deadlines provided in subsection (h)(1) for two reporting periods within a five-year period shall have all exemption certificates issued to it suspended until 30 days after the contractor or other entity complies with the reporting requirements.
 - C) Subsequent Offenses: A contractor or other entity that fails to comply with the reporting requirements or deadlines provided in subsection (h)(1) for more than two reporting periods within a five-year period shall have all exemption certificates issued to it

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suspended until 180 days after the contractor or other entity complies with the reporting requirements.

i) Unlawful Use of Exemption Certificate

- 1) *If the Department of Revenue determines that a construction contractor or other entity that was issued an exemption certificate under Section 5n of the ROTA made a tax-exempt purchase, as described in Section 5n of the ROTA, that was not eligible for exemption under Section 5n of the ROTA or allowed another person to make a tax-exempt purchase, as described in Section 5n of the ROTA, that was not eligible for exemption under Section 5n of the ROTA, then, in addition to any tax or other penalty imposed, the construction contractor or other entity is subject to a penalty equal to the tax that would have been paid by the retailer under the ROTA as well as any applicable local retailers' occupation tax on the purchase that was not eligible for the exemption. [35 ILCS 120/5n]*
- 2) Suspension or Revocation of Exemption Certificate for Unlawful Use of Exemption Certificate. The Department shall suspend or revoke the exemption certificate of a contractor or other entity found to have used an exemption certificate in violation of 35 ILCS 120/5n as reflected in subsection (i)(1), as follows:
 - A) First Offense: In addition to all other penalties provided by law, a first offense shall result in the suspension of all exemption certificates issued to a contractor or other entity for one year.
 - B) Second Offense: In addition to all other penalties provided by law, a second offense shall result in permanent revocation of all exemption certificates issued to the contractor or other entity.

j) Ineligibility and Protest Procedures

- 1) A contractor or other entity is not eligible to receive additional exemption certificates during the period that one or more exemption certificates issued to it are subject to suspension or revocation.
- 2) Any person aggrieved by any decision of the Department under subsections (h) and (i) may, within 20 days after notice of the decision,

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protest and request a hearing, whereupon the Department shall give notice to that person of the time and place fixed for a hearing, shall hold a hearing and then issue its final administrative decision in the matter to that person. In the absence of a protest within 20 days, the Department's decision shall become final without any further determination being made or notice given.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 130.1959 Sales of Building Materials to be Incorporated into a REV Illinois Project under the Reimagining Energy and Vehicles in Illinois Act

- a) Each retailer who makes a sale of building materials that will be incorporated into a REV Illinois Project for which a certificate of exemption has been issued by the Department of Commerce and Economic Opportunity ("DCEO") under Section 105 of the Reimagining Energy and Vehicles in Illinois Act (20 ILCS 686/105) ("REV Illinois Act"), may deduct receipts from those sales when calculating any State or local use and occupation taxes. [35 ILCS 120/5m] Such REV Illinois Projects include electric vehicle manufacturers, electric vehicle component parts manufacturers, or renewable energy manufacturers. See 20 ILCS 686/20(c)(1), (2), and (4) for more information on qualifications.
- b) No retailer who is eligible for the deduction or credit under Section 5k of the Retailers' Occupation Tax Act ("ROTA") related to enterprise zones or Section 5l of the ROTA related to High Impact Businesses for a given sale shall be eligible for the deduction or credit authorized under Section 5m of the ROTA for that same sale. [35 ILCS 120/5m]
- c) To qualify for the exemption, building materials must be incorporated into a REV Illinois Project. Examples of qualifying building materials include, but are not limited to:
- 1) Common building materials such as lumber, bricks, cement, windows, doors, insulation, roofing materials, and sheet metal;
 - 2) Plumbing systems and components such as bathtubs, lavatories, sinks, faucets, garbage disposals, water pumps, water heaters, water softeners, and water pipes;

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- 3) Heating systems and components such as furnaces, ductwork, vents, stokers, boilers, heating pipes, and radiators;
 - 4) Electrical systems and components such as wiring, outlets, and light fixtures that are incorporated into a REV Illinois Project;
 - 5) Central air conditioning systems, ventilation systems, and components that are incorporated into a REV Illinois Project;
 - 6) Built-in cabinets and other woodwork that are incorporated into a REV Illinois Project;
 - 7) Built-in appliances such as refrigerators, stoves, ovens, and trash compactors that are incorporated into a REV Illinois Project; and
 - 8) Floor coverings such as tile, linoleum, and carpeting that are glued or otherwise incorporated into a REV Illinois Project by use of tacks, staples, or wood stripping filled with nails that protrude upward also known as tacking strips or tack-down strips.
- d) Building materials that are not incorporated into a REV Illinois Project and thus do not qualify for the exemption include but are not limited to:
- 1) Tools, machinery, equipment, fuel, forms, and other items that may be used by a construction contractor at a REV Illinois Project, but that are not incorporated into a REV Illinois Project;
 - 2) Free-standing appliances such as stoves, ovens, refrigerators, washing machines, portable ventilation units, window air conditioning units, lamps, clothes washers, clothes dryers, trash compactors, and dishwashers that may be connected to and operate from a building's electrical or plumbing system but that do not become a component of those systems; and
 - 3) Floor coverings that are area rugs or that are attached to the structure using only two-sided tape.
- e) Certification of exemption from the DCEO

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- 1) *The DCEO may certify a Taxpayer with a REV Illinois Project that meets the qualifications under paragraphs (1), (2), or (4) of subsection (c) of Section 20 of the REV Illinois Act, subject to an agreement under the REV Illinois Act, for an exemption from any State or local use tax or retailers' occupation tax on building materials for the construction of its project facilities. The taxpayer must meet any criteria for certification set by the DCEO under the REV Illinois Act. [20 ILCS 686/105]*
 - 2) *Upon certification by the DCEO under Section 105 of the REV Illinois Act, the DCEO will notify the Department of Revenue of the certification. [20 ILCS 686/105]*
- f) REV Illinois Building Materials Exemption Certificate from the Department of Revenue
- 1) *Upon request from the certified manufacturer, the Department shall issue a REV Illinois Building Materials Exemption Certificate for each construction contractor or other entity identified by the certified manufacturer. The Department shall make the REV Illinois Building Materials Exemption Certificates available to each construction contractor or other entity identified by the certified manufacturer and to the certified manufacturer. [35 ILCS 120/5m]*
 - 2) Request for exemption certificates shall be submitted electronically and must contain the following information:
 - A) *The name and address of the construction contractor or other entity;*
 - B) *The name and location or address of the building project site;*
 - C) *The estimated amount of the exemption for each construction contractor or other entity for which a request for a REV Illinois Building Materials Exemption Certificate is made, based on a stated estimated average tax rate and the percentage of the contract that consists of materials;*
 - D) *The period of time over which supplies for the project are expected to be purchased; and*

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- E) *FEIN numbers of the contractor and entity, to determine if the contractor or other entity, or any partner, or a corporate officer, and in the case of a limited liability company, any manager or member, of the construction contractor or other entity, is or has been the owner, a partner, a corporate officer, and in the case of a limited liability company, a manager or member, of a person that is in default for moneys due to the Department under the ROTA or any other tax or fee Act administered by the Department. [35 ILCS 120/5m]*
- 3) The Department shall issue the exemption certificates electronically and the certificates shall contain the following information:
- A) *Unique identifying number;*
- B) *Name of the REV Illinois project site and the construction contractor or other entity to whom the exemption certificate is issued;*
- C) *Expiration date which shall be no more than 5 years after the issuance date; and*
- D) *Language stating that if the construction contractor or other entity who is issued the Exemption Certificate makes a tax-exempt purchase, as described in Section 5m of the ROTA, that is not eligible for exemption under Section 5m of the ROTA or allows another person to make a tax-exempt purchase, as described in Section 5m of the ROTA, that is not eligible for exemption under Section 5m of the ROTA, then, in addition to any tax or other penalty imposed, the construction contractor or other entity is subject to a penalty equal to the tax that would have been paid by the retailer under the ROTA as well as any applicable local retailers' occupation tax on the purchase that is not eligible for the exemption. [35 ILCS 120/5m]*
- 4) *The Department shall issue the REV Illinois Building Materials Exemption Certificates within 3 business days after receipt of the request from the certified manufacturer. This requirement does not apply in circumstances*

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where the Department, for reasonable cause, is unable to issue the Exemption Certificate within 3 business days. [35 ILCS 120/5m]
Examples of "reasonable cause" include, but are not limited to, receipt of a request lacking all the information required by 35 ILCS 120/5m, the receipt of a large number of requests for exemption certificates, or lack of sufficient staff to process the number of existing requests.

- 5) The exemption status shall take effect within 3 months after certification of the taxpayer and notice to the Department of Revenue by the DCEO. [20 ILCS 686/105(a)]
- 6) The exemption period shall not exceed 5 years. [35 ILCS 120/5m; 20 ILCS 686/105(a)]
- 7) The Department may refuse to issue a REV Illinois Building Materials Exemption Certificate if the owner, any partner, or a corporate officer, and in the case of a limited liability company, any manager or member, of the construction contractor or other entity is or has been the owner, a partner, a corporate officer, and in the case of a limited liability company, a manager or member, of a person that is in default for moneys due to the Department under the ROTA or any other tax or fee Act administered by the Department. [35 ILCS 120/5m]
- 8) At the request of the certified manufacturer, the Department may renew a REV Illinois Building Materials Exemption Certificate. [35 ILCS 120/5m]
- 9) After the Department issues Exemption Certificates for a given REV Illinois project site, the certified manufacturer may notify the Department of additional construction contractors or other entities that are eligible for a REV Illinois Building Materials Exemption Certificate. Upon receiving such a notification and subject to the other provisions of Section 5m of the ROTA, the Department shall issue a REV Illinois Building Materials Exemption Certificate to each additional construction contractor or other entity so identified. [35 ILCS 120/5m]
- 10) A certified manufacturer may ask the Department to rescind a REV Illinois Building Materials Exemption Certificate previously issued by the Department to a construction contractor or other entity working at that certified manufacturer's REV Illinois project site if that REV Illinois

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Building Materials Exemption Certificate has not yet expired. Upon receiving such a request and subject to the other provisions of Section 5m of ROTA, the Department shall issue the rescission of the REV Illinois Building Materials Exemption Certificate to the construction contractor or other entity identified by the certified manufacturer and provide a copy of the rescission to the construction contractor or other entity and to the certified manufacturer. [35 ILCS 120/5m]

- 11) The request to issue, renew, or rescind an exemption certificate, or the request to add additional construction contractors or other entities, must be submitted to the Department by an employee, corporate officer, partner, limited liability company manager or member, or designated agent who cannot be a contractor or subcontractor, of the certified manufacturer under the REV Illinois Act. The designation of agent must be made in writing to the Department by the corporate officer, partner, limited liability company manager or member of the certified manufacturer under the REV Illinois Act.

g) Required documentation of sale

- 1) A construction contractor or other entity shall not make tax-free purchases under Section 5m of the ROTA unless it has an active REV Illinois Building Materials Exemption Certificate issued by the Department of Revenue at the time of purchase. [35 ILCS 120/5m]
- 2) In addition to any other requirements to document the exemption allowed under Section 5m of the ROTA, the retailer must obtain the purchaser's REV Illinois Building Materials Exemption Certificate number issued by the Department. [35 ILCS 120/5m]
- 3) The retailer must also obtain a certification from the purchaser that contains:
- A) A statement that the building materials are being purchased for incorporation into a REV Illinois Project;
- B) The location or address of the REV Illinois Project into which the building materials will be incorporated;

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- C) The name and address of the construction contractor or other entity;
 - D) A description of the building materials being purchased;
 - E) The purchaser's REV Illinois Building Materials Exemption Certificate number issued by the Department of Revenue; and
 - F) The purchaser's signature and date of purchase.
- 4) The retailer may comply with this subsection (g) certification requirement by securing from the purchaser a completed and signed Form EZ-1.
- h) Annual Reports
- 1) *For applicants issued a certificate of exemption under Section 105 of the REV Illinois Act, the report shall be the same as required for a High Impact Business under subsection (a-5) of Section 8.1 of the Illinois Enterprise Zone Act (20 ILCS 655/8.1(a-5)). [20 ILCS 686/30(f)]*
 - A) Each contractor or other entity that has been issued a REV Illinois Building Materials Exemption Certificate under Section 5m of the ROTA shall annually report to the Department of Revenue the total value of the REV Illinois building materials exemption from State taxes.
 - B) Reports shall contain information reasonably required by the Department of Revenue to enable it to verify and calculate the total tax benefits for taxes imposed by the State and shall be broken down by REV Illinois Project site.
 - C) Reports are due no later than May 31 of each year and shall cover the previous calendar year.
 - 2) Suspension of Exemption Certificate for Failure to Report Data. A contractor or other entity that fails to comply with the reporting requirements or deadlines provided in subsection (h)(1) shall have the exemption certificate for which it failed to report suspended.

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- A) First Offense: A contractor or other entity that fails to comply with the reporting requirements or deadlines provided in subsection (h)(1) shall have the exemption certificate suspended until the contractor or other entity complies with the reporting requirements.
- B) Second Offense: A contractor or other entity that fails to comply with the reporting requirements or deadlines provided in subsection (h)(1) for two reporting periods within a five-year period shall have all exemption certificates issued to it suspended until 30 days after the contractor or other entity complies with the reporting requirements.
- C) Subsequent Offenses: A contractor or other entity that fails to comply with the reporting requirements or deadlines provided in subsection (h)(1) for more than two reporting periods within a five-year period shall have all exemption certificates issued to it suspended until 180 days after the contractor or other entity complies with the reporting requirements.
- i) Unlawful Use of Exemption Certificate
- 1) *If the Department of Revenue determines that a construction contractor or other entity that was issued an Exemption Certificate under Section 5m of the ROTA made a tax-exempt purchase, as described in Section 5m of the ROTA, that was not eligible for exemption under Section 5m of the ROTA or allowed another person to make a tax-exempt purchase, as described in Section 5m of the ROTA, that was not eligible for exemption under Section 5m of the ROTA, then, in addition to any tax or other penalty imposed, the construction contractor or other entity is subject to a penalty equal to the tax that would have been paid by the retailer under the ROTA as well as any applicable local retailers' occupation tax on the purchase that was not eligible for the exemption. [35 ILCS 120/5m]*
- 2) Suspension or Revocation of Exemption Certificate for Unlawful Use of Exemption Certificate. The Department shall suspend or revoke the exemption certificate of a contractor or other entity found to have used an exemption certificate in violation of 35 ILCS 120/5m as reflected in subsection (i)(1), as follows:

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- A) First Offense: In addition to all other penalties provided by law, a first offense shall result in the suspension of all exemption certificates issued to a contractor or other entity for one year.
 - B) Second Offense: In addition to all other penalties provided by law, a second offense shall result in permanent revocation of all exemption certificates issued to the contractor or other entity.
- j) Ineligibility and Protest Procedures
- 1) A contractor or other entity is not eligible to receive additional exemption certificates during the period that one or more exemption certificates issued to it are subject to suspension or revocation.
 - 2) Any person aggrieved by any decision of the Department under subsections (h) and (i) may, within 20 days after notice of the decision, protest and request a hearing, whereupon the Department shall give notice to that person of the time and place fixed for a hearing, shall hold a hearing and then issue its final administrative decision in the matter to that person. In the absence of a protest within 20 days, the Department's decision shall become final without any further determination being made or notice given.

(Source: Added at 48 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Gas Revenue Tax Act
- 2) Code Citation: 86 Ill. Adm. Code 470
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
470.132	New Section
470.133	New Section
- 4) Statutory Authority: Implementing the Gas Revenue Tax Act [35 ILCS 615] and authorized by Section 2505-795 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-795].
- 5) A Complete Description of the Subjects and Issues Involved: New Section 470.132 is created to implement a statutory exemption under Section 1 of the Gas Revenue Tax Act which excludes from gross receipts any charges added to customers' bills pursuant to the provisions of Section 9-222 of the Public Utilities Act [220 ILCS 5/9-222]. Section 9-222 of the Public Utilities Act provides that a public utility shall not charge customers, who are certified under Section 95 of the Reimagining Energy and Vehicles in Illinois Act ("REV Illinois Act") [20 ILCS 686/1 et seq.], an additional charge equal to the total amount of tax imposed under Section 2 of the Gas Revenue Tax Act.

New Section 470.133 is created to implement a statutory exemption under Section 1 of the Gas Revenue Tax Act which excludes from gross receipts any charges added to customers' bills pursuant to the provisions of Section 9-222 of the Public Utilities Act, [220 ILCS 5/9-222]. Section 9-222 of the Public Utilities Act provides that a public utility shall not charge customers, who are certified under the Manufacturing Illinois Chips for Real Opportunity ("MICRO") Act [35 ILCS 45/110-1 et seq.], an additional charge equal to the total amount of tax imposed under Section 2 of the Gas Revenue Tax Act.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No

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- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge a State mandate as described in Section 3(b) of the State Mandates Act.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:
- Katarzyna Kowalska
Associate Counsel
Legal Services Office - Sales and Excise Tax Policy
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
- Phone: 217-782-2844
REV.GCO@illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Public utilities engaged in the business of distributing, supplying, furnishing or selling gas to persons for use or consumption and not for resale.
- B) Reporting, bookkeeping or other procedures required for compliance: General bookkeeping.
- C) Types of professional skills necessary for compliance: Accounting, bookkeeping, sales tax compliance.
- 14) Small Business Impact Analysis:
- A) Types of businesses subject to the proposed rule:
- 44-45 Retail Trade
- B) Categories that the agency reasonably believes the rulemaking will impact, including:

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- ii. regulatory requirements
- viii. record keeping

15) Regulatory Agenda on which this rulemaking was summarized: January 2024

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 470
GAS REVENUE TAX ACT

Section	
470.101	Definitions
470.105	Disposition of Tax Monies
470.110	Imposition of Tax
470.115	Effective Period of Act
470.120	Returns
470.125	Gross Amount of Transactions or Billings Basis of Tax
470.130	Certificate of Registration
470.131	Enterprise Zone Exemption
470.132	Reimagining Energy and Vehicles in Illinois Act Project Site Exemption
470.133	Manufacturing Illinois Chips for Real Opportunity (MICRO) Act Project Site Exemption
470.135	Books and Records
470.140	Claims to Recover Erroneously Paid Tax
470.145	Furnishing of Gas
470.150	Gas Sold to and by Building Operators
470.155	Transactions in Interstate Commerce
470.160	Sales of Gas to the United States Government
470.165	Services Furnished the State of Illinois, its Departments, Agencies, Counties, Municipalities or Other Political Subdivisions
470.170	Services Furnished to Religious, Scientific, Educational and Charitable Institutions
470.171	Exclusion for Charges Made to Customers Who Acquired Contractual Rights to Purchase Out-of-State Gas or Gas Services Prior to March 1, 1995 (Repealed)
470.172	Exclusion from Tax for Transactions Involving Customers Who Incur Gas Use Tax
470.175	Meter Readings
470.180	Services Furnished to Officers or Employees
470.185	Interdepartmental Transfers
470.190	Discounts, Penalties and Finance or Interest Charges
470.195	Sales of Appliances, Equipment or Services Subject to Other Tax Acts

AUTHORITY: Implementing the Gas Revenue Tax Act [35 ILCS 615] and authorized by

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Section 2505-795 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-795].

SOURCE: Gas Revenue Tax Regulations, adopted July 24, 1945; codified at 8 Ill. Reg. 8608; amended at 11 Ill. Reg. 18751, effective October 30, 1987; amended at 21 Ill. Reg. 12243, effective August 26, 1997; amended at 28 Ill. Reg. 16334, effective November 30, 2004; amended at 43 Ill. Reg. 7463, effective June 18, 2019; amended at 47 Ill. Reg. 5811, effective April 4, 2023; amended at 48 Ill. Reg. _____, effective _____.

Section 470.132 Reimagining Energy and Vehicles in Illinois Act Project Site Exemption

- a) A public utility shall not charge customers, who are certified by the Department of Commerce and Economic Opportunity ("DCEO") under Section 95 of the Reimagining Energy and Vehicles in Illinois Act ("REV Illinois Act") [20 ILCS 686/95], an additional charge equal to the total amount of tax imposed under Section 2 of the Gas Revenue Tax Act (35 ILCS 615/2), to the extent of such exemption and during the period in which such exemption is in effect. [220 ILCS 5/9-222]
- b) To be eligible for this exemption, the DCEO must certify a taxpayer for this exemption. To become certified, the taxpayer must meet the qualifications under paragraphs (1), (2), and (4) of subsection (c) of Section 20 of the REV Illinois Act (20 ILCS 686/20) and enter into an agreement with the DCEO under the REV Illinois Act. The taxpayer must meet any other criteria for certification set by the DCEO. The DCEO will determine the period during which the exemption is in effect, which shall not exceed 10 years from the date of the taxpayer's initial receipt of certification from the DCEO. [20 ILCS 686/95]

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 470.133 Manufacturing Illinois Chips for Real Opportunity (MICRO) Act Project Site Exemption

- a) A public utility shall not charge customers, who are certified by the Department of Commerce and Economic Opportunity ("DCEO") under Section 110-95 of the Manufacturing Illinois Chips for Real Opportunity (MICRO) Act ("MICRO Act") (35 ILCS 45/110-95), an additional charge equal to the total amount of tax imposed under Section 2 of the Gas Revenue Tax Act (35 ILCS 615/2), to the extent of such exemption and during the period in which such exemption is in effect. [220 ILCS 5/9-222]

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- b) To be eligible for this exemption, the DCEO must certify a taxpayer for this exemption. To become certified, the taxpayer must meet the qualifications under paragraphs (1), (2), and (4) of subsection (c) of Section 110-20 of the MICRO Act (35 ILCS 45/110-20) and has entered into an agreement with the DCEO under the MICRO Act. The taxpayer must meet any other criteria for certification set by the DCEO. The DCEO will determine the period during which the exemption is in effect, which shall not exceed 10 years from the date of the taxpayer's initial receipt of certification from the DCEO. [35 ILCS 45/110-95]

(Source: Added at 48 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Telecommunications Excise Tax
- 2) Code Citation: 86 Ill. Adm. Code 495
- 3) Section Number: 495.100 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing the Telecommunications Excise Tax Act [35 ILCS 630] and authorized by Section 17 of the Telecommunications Excise Tax Act [35 ILCS 630/17].
- 5) A Complete Description of the Subjects and Issues Involved: Section 495.100 is amended to comply with the Internet Tax Freedom Act, 47 U.S.C.A 151. Statutory language regarding what is not included in gross charges is also inserted from the Telecommunications Excise Tax Act. This language, states among other things, that gross charges do not include charges to business enterprises certified under Section 9-222.1 of the Public Utilities Act, or under Section 95 of the Reimagining Energy and Vehicles in Illinois Act ("REV Illinois Act") [20 ILCS 686/1 et seq.], or under the Manufacturing Illinois Chips for Real Opportunity ("MICRO") Act [35 ILCS 45/110-1 et seq.], to the extent of such exemption and during the period of time specified by the Department of Commerce and Economic Opportunity ("DCEO").
- 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 create or enlarge a State mandate as described in Section 3(b) of the State Mandates Act.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

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Katarzyna Kowalska
Associate Counsel
Legal Services Office - Sales and Excise Tax Policy
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794

Phone: 217-782-2844
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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Telecommunications retailers
 - B) Reporting, bookkeeping or other procedures required for compliance: General bookkeeping
 - C) Types of professional skills necessary for compliance: Accounting, bookkeeping, sales tax compliance
- 14) Small Business Impact Analysis:
- A) Types of businesses subject to the proposed rule:

44-45 Retail Trade
 - B) Categories that the agency reasonably believes the rulemaking will impact, including:
 - ii. regulatory requirements
 - viii. record keeping
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2024

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

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 495
TELECOMMUNICATIONS EXCISE TAX

Section	
495.100	Meaning of "Gross Charges"
495.105	Exemptions
495.110	Retailers
495.111	Registration of Retailers
495.112	Revocation of Certificate of Registration
495.115	Interstate
495.120	Mobile Operations – Service Address
495.125	Responsibility for Accounting and Payment of Tax
495.130	Credits
495.135	Tax Returns – When Due – Contents
495.140	Imposition of Telecommunications Excise Tax

AUTHORITY: Implementing the Telecommunications Excise Tax Act [35 ILCS 630] and authorized by Section 17 of the Telecommunications Excise Tax Act [35 ILCS 630].

SOURCE: Adopted at 14 Ill. Reg. 11321, effective July 1, 1990; amended at 21 Ill. Reg. 13658, effective September 29, 1997; amended at 22 Ill. Reg. 11886, effective June 29, 1998; amended at 24 Ill. Reg. 12082, effective July 28, 2000; amended at 25 Ill. Reg. 197, effective December 26, 2000; amended at 25 Ill. Reg. 5034, effective March 19, 2001; amended at 27 Ill. Reg. 9614, effective June 13, 2003; amended at 42 Ill. Reg. 19044, effective October 3, 2018; amended at 45 Ill. Reg. 14494, effective November 2, 2021; amended at 47 Ill. Reg. 1467, effective January 17, 2023; amended at 47 Ill. Reg. 5816, effective April 4, 2023; amended at 48 Ill. Reg. _____, effective _____.

Section 495.100 Meaning of "Gross Charges"

- a) *"Gross charge" means the amount paid for the act or privilege of originating or receiving telecommunications in this State and for all services and equipment provided in connection therewith by a retailer, valued in money, whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of those telecommunications, the cost of materials used, labor or service cost or*

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any other expense whatsoever. (Section 2(a) of the Telecommunications Excise Tax Act ("the Act") [35 ILCS 630/2(a)] A retailer may provide services to customers that are not provided in connection with originating or receiving telecommunications. If those services are not necessary for or directly related to the retailer's provision of telecommunications to customers and the charges for the services are disaggregated and separately identified from other charges, the charges need not be included in "Gross charges". Without limitation, examples of services not included in "Gross charges" are directory advertising; specialized designing and/or engineering services; specialized security measures; and consulting services.

- b) *"Gross charges" shall not include charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein those charges are disaggregated and separately identified from other charges (~~Section 2(a)(4) of the Act~~). [35 ILCS 630/2(a)(4)]* Customer equipment includes, but is not limited to, all items generally classified as customer equipment or terminal equipment, such as telephone instruments and station sets, dialers, modems, private branch exchanges (PBXs), inside wiring, facsimile machines, pagers and non-electronic associated items such as documentation, manuals and furniture. Items of customer equipment, including maintenance and miscellaneous services, may be leased, rented or sold to one customer or a group of customers without being included in the gross charges, but will be subject to retailers'~~retailer's~~ occupation or use taxes. To be exempt, the charges for customer equipment must be disaggregated and separately identified from other charges in the books and records of the retailer.
- c) *"Gross charges" does not include:*
- 1) *Any amounts added to a purchaser's bill because of a charge made pursuant to:*
 - A) *the tax imposed by the Telecommunications Excise Tax Act (35 ILCS 630/1 et seq.);*
 - B) *charges added to customers' bills pursuant to the provisions of Sections 9-221 or 9-222 of the Public Utilities Act (220 ILCS 5/9-221, 222), as amended, or any similar charges added to customers' bills by retailers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any*

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of the tax liabilities or other amounts specified in such provisions of the Public Utilities Act;

C) the tax imposed by Section 4251 of the Internal Revenue Code (26 U.S.C. 4251);

D) 911 surcharges; or

E) the tax imposed by the Simplified Municipal Telecommunications Tax Act (35 ILCS 636/5-1 et seq.). [35 ILCS 630/2(a)(1)]

2) Charges for a sent collect telecommunication received outside of the State. [35 ILCS 630/2(a)(2)]

3) Charges~~charges~~ for leased time on equipment or charges for the storage of data or information for subsequent retrieval or charges for the processing of data or information intended to change its form or content (Section 2(a)(3) of the Act). [35 ILCS 630/2(a)(3)] Charges for answering services, for example, whether provided electronically or by live operators, represent charges for the storage of information or data for subsequent retrieval, and are not subject to tax, provided that these charges, if provided in connection with taxable telecommunications, are disaggregated and separately identified in the books and records of the retailer. Charges for automated data storage, retrieval and processing services or for the use of computer time or other equipment are not included in gross charges. Automated information retrieval or data processing charges are not included in gross charges. For example, a customer who accesses an on-line computer data base would not be subject to tax on the charge for the data processing or inquiry, but would be subject to tax on the charge for the transmission of the data. If a telecommunications retailer provides both transmission and data processing services, the charges for each must be disaggregated and separately identified in the books and records of the retailer. See 35 ILCS 630/2(a)(10).

4) Charges to business enterprises certified under Section 9-222.1 of the Public Utilities Act (220 ILCS 5/9-222.1), as amended, or under Section 95 of the Reimagining Energy and Vehicles in Illinois Act (20 ILCS 686/95), to the extent of such exemption and during the period of time

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specified by the Department of Commerce and Economic Opportunity.
[35 ILCS 630/2(a)(5)]

- 5) Charges to business enterprises certified under the Manufacturing Illinois Chips for Real Opportunity (MICRO) Act (35 ILCS 45/110-1 et seq.), to the extent of the exemption and during the period of time specified by the Department of Commerce and Economic Opportunity. [35 ILCS 630/2(a)(5.1)]
- 6) Charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries when the tax imposed under by the Telecommunications Excise Tax Act (35 ILCS 630/1 et seq.) has already been paid to a retailer and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit for the corporation rendering such service. [35 ILCS 630/2(a)(6)]
- 7) Bad debts. Bad debt means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectable, as determined under applicable federal income tax standards. If the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made. [35 ILCS 630/2(a)(7)]
- 8) Charges paid by inserting coins in coin-operated telecommunication devices. [35 ILCS 630/2(a)(8)]
- 9) Amounts paid by telecommunications retailers under the Telecommunications Municipal Infrastructure Maintenance Fee Act (35 ILCS 635/1 et seq.). [35 ILCS 630/2(a)(9)]
- 10) Charges for nontaxable services or telecommunications if:
 - A) those charges are aggregated with other charges for telecommunications that are taxable;

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- B) *those charges are not separately stated on the customer bill or invoice; and*
- C) *the retailer can reasonably identify the nontaxable charges on the retailer's books and records kept in the regular course of business. If the nontaxable charges cannot reasonably be identified, the gross charge from the sale of both taxable and nontaxable services or telecommunications billed on a combined basis shall be attributed to the taxable services or telecommunications. The burden of proving nontaxable charges shall be on the retailer of the telecommunications. [35 ILCS 630/2(a)(10)]*
- d) *Value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission are exempt* ~~(Section 2(e) of the Act)~~. [35 ILCS 630/2(c)] For example, the charges for computer data, protocol conversions that permit computers to exchange data, no matter which languages or protocols a computer's out-put may be in, and packet-switching, which groups data into packets for efficiency of transmission, would be exempt.
- e) Advertising revenue either from online directory sales (e.g., yellow pages) or from message additions to telecommunications service are not included in gross charges. For example, revenues from an advertising message preceding a time/weather call are not included in gross charges.
- f) Contributions to a telethon fund-raising campaign are not included in gross charges.
- g) Gross charges shall include, but are not limited to, charges for unlisted or unpublished numbers, operator assistance, directory information, call-waiting, call-forwarding, and burglar alarm services provided by telecommunications retailers.
- h) A caller located in Illinois who calls a 900 number and receives a billing for that call at the caller's ~~his or her~~ service address will have made a call subject to telecommunications excise tax ~~Telecommunications Excise Tax~~. The invoice to the caller for a 900 number call need not separately state the line charge and tax specifically. However, the telecommunications retailer is responsible for remitting the tax due on the line charge.

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- i) Gross charges shall include the transmission charges for premium services. Time/weather, gab line/party line and other public announcement services of information and entertainment, and charges for the message content or information of those services, are not included in gross charges.

EXAMPLE: A call to a 900 code number is made to register an opinion in a poll. The caller is billed \$1.00. \$.80 is the transmission charge. \$.80 is included in gross charges.

- j) Charges for billing and collection received by telecommunications retailers from persons selling services or products to the telecommunications retailers'~~retailer's~~ customers, which are billed and collected by the telecommunications retailers'~~retailer~~, are not included in gross charges.

EXAMPLE: A call to a 900 code number to sell a product is billed by the telecommunications retailer as follows:

\$25.00 service charge to caller for product or service

\$.30 call charge (15¢ call, 15¢ billing and collection)

\$.15 billing and collection charge is not included in gross charges

\$25.00 is not included in gross charges

\$.15 is included in gross charge

- k) Billing and collections charges paid by persons selling services or products to telecommunications retailers'~~retailer's~~ customers or billing and collections charges paid by telecommunications retailers to credit card companies whose holders have charged calls are not includable in gross charges.
- l) Taxes imposed on consumers for community 911 service, lifeline service or other services required by regulatory authorities or government are not includable in gross charges.
- m) Telecommunications that are purchased, used or sold by a telecommunications

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provider to enable users to connect to the Internet or to otherwise enable users to access content, information electronic mail, or other services offered over the Internet are exempt from tax due to the federal Internet Tax Freedom Act (47 U.S.C. 151) which preempts state and local governments from levying taxes on Internet access. 47 U.S.C. 151 note; 1101(a), and (d)(3)(D). For example, data plans provided by mobile or wireless telecommunications providers generally are subject to the federal moratorium. ~~Generally, persons that provide customers access to the Internet (Internet Service Providers or ISPs) and who do not, as part of that service, charge customers for the line or other transmission charges that are used to obtain access to the ISP's server or other point of access, are not considered to be telecommunications retailers from these activities. This is the case so long as such ISPs do not, as part of their billing, charge customers for those line charges and instead pay their telecommunications suppliers all transmission costs that they incur in providing the Internet service. In this situation, an ISP's customer pays his or her telecommunications supplier for all transmission costs incurred while using the service. The single monthly fee charged by the ISP, which often represents a flat charge for a package of items including Internet access, e-mail, and electronic newsletters, would generally not be subject to tax. If, however, the ISP charges customers for line or other transmission charges, it should provide its telecommunications suppliers with Certificates of Resale and should collect and remit the tax. For example, if an ISP provides customers with Internet access, as described in this subsection, but also provides customers the use of a 1-800 service to access the ISP, and separately assesses customers per minute charges for the use of the 1-800 service, the ISP is considered a telecommunications retailer and incurs Telecommunications Excise Tax on the charges made for the 1-800 service. If the charges are not disaggregated as provided in subsection (c), all charges are subject to the Telecommunications Excise Tax.~~

- n) *"Gross charges" for private line service shall include:*
- 1) *charges imposed at each channel point within this State;*
 - 2) *charges for the channel mileage between each channel point within this State; and*
 - 3) *charges for that portion of the interstate inter-office channel provided within Illinois. Charges for that portion of the interstate inter-office channel provided in Illinois shall be determined by the retailer as follows:*

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- A) *For interstate inter-office channels having 2 channel termination points, only one of which is in Illinois, tax may be imposed on 50% of the total charge imposed. For example, tax would be imposed on 50% of the total charge for a private line with one termination point in Chicago and one termination point in San Francisco.*
- B) *For interstate inter-office channels having more than 2 channel termination points, one or more of which are in Illinois, tax may be imposed on an amount equal to the total charge multiplied by a fraction, the numerator of which is the number of channel termination points within Illinois and the denominator of which is the total number of channel termination points. For example, Illinois would receive tax on 60% of the total charge for a private line that had 3 termination points in Illinois, 1 termination point in New York and 1 termination point in Los Angeles. Using the same apportionment rule, New York and Los Angeles would each receive tax on 20% of the total charge.*
- C) Tax may be imposed using any *other method that reasonably apportions the total charges for interstate inter-office channels among the states in which channel termination points are located.* [\[35 ILCS 630/2\(a\)\]](#) ~~(Section 2(a) of the Act)~~ For instance, the Illinois mileage of the channel could be calculated by determining a fraction, the numerator of which is the actual measured Illinois miles of that channel and the denominator of which is the actual measured route miles of the entire channel. If it is impossible for a retailer to measure actual route miles, a method that accurately approximates the Illinois route miles of an interstate inter-office channel and accurately approximates the route miles of the entire channel can be used (e.g., the use of straight-line air miles). Any method of approximation used by a telecommunications provider shall be subject to verification by the Department.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Collection of Fees
- 2) Code Citation: 92 Ill. Adm. Code 1003
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1003.10	Amendment
1003.30	Amendment
- 4) Statutory Authority: Implementing Sections 2-124 and 3-824 and authorized by Sections 2-101 and 2-104 of the Illinois Vehicle Code [625 ILCS 5].
- 5) A Complete Description of the Subjects and Issues Involved: In November 2023, the Secretary of State, Department of Police was authorized to issue parking citations on the Capitol Complex (71 ILAC 2005.80). This rulemaking sets forth the procedures for collection of penalties.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking with not require a local government to establish, expand, or modify its activities in such a way as to necessitate additional expenditures from local revenue.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their written comments concerning this rulemaking within 45 days from the publication date of this issue of the *Illinois Register*.

Pamela Wright
Rules Coordinator
Office of the General Counsel
298 Howlett Building

SECRETARY OF STATE

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- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping, or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: This rulemaking has no impact on small businesses.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because we were uncertain when the amendment would be filed.

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1003
COLLECTION OF FEES

Section	
1003.10	Definitions
1003.20	Collection and Refund
1003.25	Rebates for Vehicles Manufactured in Illinois
1003.30	Collection of All Motor Vehicle Fees and Parking Citation Penalties
1003.40	Audits for Truck License Fees
1003.50	Use of State Comptroller's Offset Authority
1003.60	Bankruptcy Discharge of Fees
1003.70	Invalidity

AUTHORITY: Implementing Sections 2-124 and 3-824 and authorized by Sections 2-101 and 2-104 of the Illinois Vehicle Code [625 ILCS 5].

SOURCE: Adopted at 12 Ill. Reg. 14719, effective September 15, 1988; amended at 13 Ill. Reg. 7048, effective May 1, 1989; amended at 29 Ill. Reg. 1966, effective January 20, 2005; amended at 34 Ill. Reg. 10199, effective June 29, 2010; amended at 36 Ill. Reg. 17089, effective November 20, 2012; amended at 42 Ill. Reg. 203, effective December 19, 2017; emergency amendment at 44 Ill. Reg. 17031, effective October 9, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 3699, effective March 3, 2021, for the remainder of the 150 days; emergency expired March 7, 2021; amended at 47 Ill. Reg. 183, effective December 21, 2022; amended at 48 Ill. Reg. _____, effective _____.

Section 1003.10 Definitions

"Department" means the Department of Accounting Revenue of the Office of the Secretary of State.

"Director" means the Director or Acting Director of the Department.

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

"Person" means the person indebted to the Secretary of State for any fee, [penalty](#), or tax imposed by the IVC [or Illinois Administrative Code](#).

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"Parking Citation" means a citation issued by the Secretary of State Police for unauthorized parking on the Capitol Complex pursuant to 71 Ill. Adm. Code 2005.80.

"Registration" has the meaning given in Section 1-171 of the IVC.

"Secretary of State" or "Secretary" means the Illinois Secretary of State.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 1003.30 Collection of All Motor Vehicle Fees and Parking Citation Penalties

- a) If a person has not paid the total motor vehicle fee due and owing, due to miscalculation or any other reason, the Department of Accounting Revenue shall send two notices, each 30 calendar days apart, to the address shown on the records of the Secretary of State, asking for the additional fees to be paid. The notices will be mailed by regular mail. If no payment is made within 30 days following the date of the first letter, then the registration or driver's license record of the person shall be tagged on the computer record with a notation that money is owed, and this action will prevent the renewal of the driver's license or registration without payment of the additional fee. If no payment is made within 30 calendar days after of the date of the second letter, the driver's license of the person shall be cancelled pursuant to Section 6-201(3) of the IVC, unless:
- 1) the driver has demonstrated that the amount owed is not correct and is in dispute;
 - 2) the driver has demonstrated good faith attempts to make restitution of the amount owed; or
 - 3) the amount is \$5.00 or less.
- b) If a person has not paid the total penalty due and owing for a parking citation, as set forth by 71 Ill. Adm. Code 2005.30(f) and 2005.80(c), for any reason, the Department of Accounting Revenue shall send two notices, by regular mail, each 30 calendar days apart, to the address shown on the records of the Secretary of State, asking for the penalty to be paid. If no payment is made within 30 days following the date of the first letter, then the registration of the person shall be

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tagged on the registration database with a notation that money is owed, and this action will prevent the renewal of the registration without payment of the penalty. If no payment is made within 30 calendar days after of the date of the second letter, the vehicle registration shall be suspended pursuant to Section 3-704(a)(3) of the IVC, unless:

- 1) the vehicle owner has demonstrated that the amount owed is not correct and is in dispute;
- 2) the vehicle owner has demonstrated good faith attempts to make restitution of the amount owed; or
- 3) the amount is \$5.00 or less.

cb) Dishonored Electronic Payment or Check Returned for Any Reason.

- 1) If the payment~~check~~ is returned or declined for any reason, the Department of Accounting Revenue shall notify the payor by mail that:
 - A) payment is due within 10 calendar days after the date of the notice;
 - B) if the Secretary does not receive payment, the Secretary will~~he or she~~ cancel the payor's Illinois driver's license ~~and/or will~~shall revoke ~~and retrieve~~ the registration plate, as the case may be;
 - C) the Attorney General may file a lawsuit;
 - D) the Comptroller shall deduct from any State funds due to the payor the amount of money due and owing to the Secretary of State pursuant to Section 10.05 of the State Comptroller Act [15 ILCS 405];
 - E) the provisions of Section 3-821(c) of the IVC shall apply; and
 - F) the Secretary will apply the provisions of the Illinois State Collection Act of 1986 [30 ILCS 210].
- 2) If the fee is not paid within 15 calendar days following the date of the notice required by subsection (a)~~(b)(2)~~, the driver's license of the payor

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~~and~~/or registrant will be cancelled (see Section 6-201(a)(3) of the IVC) and the individual or individuals will be notified by mail of the cancellation. After this procedure is completed, a collection order is issued, and the license plates involved are tagged on the registration ~~database~~~~computer file~~ so that no renewal can be accomplished without payment of the fee.

- 3) If the parking citation penalty is not paid within 15 calendar days following the date of the notice required by subsection (b), a collection order is issued, and the license plates involved are tagged on the registration database so that no renewal can be accomplished without payment of the penalty. ~~A collector shall call upon the payor to attempt to collect for the returned check or dishonored electronic payment. The collector will take any registration plates from a vehicle for which the fee has not been paid. The collector will not accept partial payment, electronic payment nor personal or business check. Payment must be in cash, money order or certified check.~~
- 4) Should any payor contacted pursuant to this Section acknowledge the debt and desire to pay on an installment basis, an installment agreement may be entered into with the Department of Accounting Revenue, if approved by the Director of that Department, after ~~an~~~~his or her~~ examination of the personal financial data submitted by the payor demonstrates the payor's financial ability to pay on an installment basis and ~~an~~~~his or her~~ inability to pay the entire amount owed immediately. The installment agreement shall contain the following terms and conditions:
 - A) The amount owed must exceed \$500.
 - B) The agreement shall not exceed 3 months in duration, with three equal payments being made.
 - C) The payor acknowledges the debt and all penalties and interest.
 - D) The payor waives any statute of limitations defense.
 - E) The payor confesses judgment if the terms of the agreement are not met.

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- F) The payor agrees that the agreement will be cancelled if the payment schedule is not met.
- G) The driver's license will be cancelled ~~and~~/or the registration plates revoked and surrendered if the agreement is not fulfilled by the payor.
- ~~d~~e) If an electronic payment is dishonored by the payor's credit card or banking institution, or the payor charges back the electronic payment, the Department of Accounting Revenue shall notify the payor by mail. ~~that:~~
- 1) The Department of Accounting Revenue will send two notices, each 30 days apart, to the address shown on the records of the Secretary of State, asking for the additional fees or penalties to be paid. The notices will be mailed by regular mail.
 - 2) If no payment is made within 30 days following the date of the first letter, the vehicle registration or driver's license record of the person will be tagged on the Secretary of State database with a notation that money is owed, and this action will prevent the renewal of the driver's license or vehicle registration without payment of the additional fees.
 - 3) If no payment is made withing 30 calendar days after the second letter, the driver's license of the person shall be cancelled pursuant to Section 6-201(3) of the IVC or the vehicle registration shall be suspended pursuant to Section 3-704(a)(3), as the case may be, unless the ~~payor~~driver has demonstrated that the amount owed is not correct and is in dispute, or the amount is \$5.00 or less.
- ~~d~~e) All accounts remaining uncollected after the procedures in this Section have been applied shall be referred to the Attorney General of Illinois for collection and the Comptroller of Illinois shall be notified to withhold any payments due by the State to the payor pursuant to the State Comptroller Act.
- ~~f~~e) All persons who have had payment returned for any reason must make all future fee or penalty payments by cash, certified check, or money order (see Section 3-801(c) of the IVC).
- ~~g~~f) The procedures of this Section shall be applied to corporations or other business

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entities that fail to make payment or payments for any reason.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Online Only Adult Driver Education Course Provider Certification
- 2) Code Citation: 92 Ill. Adm. Code 1066
- 3) Section Number: 1066.20 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 6-107.5 of the Illinois Driver Licensing Law [625 ILCS 5].
- 5) A Complete Description of the Subjects and Issues Involved: The physical address of our Commercial Drivers Training Section has changed, and we are correcting the address in the language of the surety bond requirement in subsection 1066.20(a)(B)(3).
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand, or modify its activities in such a way as to necessitate additional expenditures from local revenue.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their written comments concerning this rulemaking within 45 days from the publication date of this issue of the *Illinois Register*.

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

217-785-3094
pwright@ilsos.gov

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: No impact on small businesses.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because we did not anticipate it's filing.

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1066
ONLINE ONLY ADULT DRIVER EDUCATION
COURSE PROVIDER CERTIFICATION

Section	
1066.5	Definitions
1066.10	Certification Required
1066.20	Requirements for Online Only Adult Education Course Providers
1066.30	Online Only Adult Driver Education Course Provider Names
1066.40	Online Only Adult Driver Education Course Required Instruction
1066.45	Online Only Adult Driver Education Course Content
1066.50	Online Only Adult Driver Education Course Student Instruction Record
1066.60	Online Only Adult Driver Education Course Student Contracts
1066.70	Online Only Adult Driver Education Course Provider Verification of Student Identity and Course Completion
1066.80	Hearings
1066.90	Denial, Cancellation, Suspension and Revocation of an Online Only Adult Driver Education Course Provider Certification
1066.100	Online Only Adult Driver Education Course Website and Security Requirements

AUTHORITY: Implementing and authorized by Section 6-107.5 of the Illinois Driver Licensing Law [625 ILCS 5].

SOURCE: Adopted at 38 Ill. Reg. 12582, effective July 1, 2014; amended at 46 Ill. Reg. 6718, effective April 11, 2022; amended at 48 Ill. Reg. _____, effective _____.

Section 1066.20 Requirements for Online Only Adult Education Course Providers

- a) The Secretary of State shall not issue, or shall deny, cancel, suspend, or revoke, an online only adult education course provider certification:
 - 1) Unless the applicant/provider is of good moral character. In making a determination of good moral character, the Department is not limited to, but may consider, the following:

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- A) Whether the applicant/provider has been convicted of a felony or a misdemeanor. The Department shall consider:
- i) The relationship of any crime of which the applicant/provider has been convicted to the ability to operate an online only adult driver education course;
 - ii) The length of time that has elapsed since the applicant's/provider's last criminal conviction;
 - iii) Whether the applicant/provider successfully completed any sentence imposed with the convictions;
 - iv) Whether the applicant/provider has multiple convictions for felony or misdemeanor offenses.
- B) If the person has been indicted, formally charged, or otherwise charged with a felony or a misdemeanor, the certification shall be either denied or cancelled.
- i) If the person whose certification has been denied or cancelled under this Part is adjudicated "guilty" by the court, the denial or cancellation previously entered on his/her record in accordance with this Section shall stand. This action does not preclude further suspension and/or revocation of the certification under another Section of this Part or the IVC.
 - ii) If the person whose certification has been denied or cancelled under this Part is adjudicated "not guilty" by the court, the denial or cancellation previously entered on his/her record in accordance with this Section shall be rescinded. This action does not preclude further suspension and/or revocation of the certification under another Section of this Part or the IVC.
 - iii) If the person whose certification has been denied or cancelled under this Part is granted a disposition of "court supervision" by the court, the denial or cancellation

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previously entered on his/her record in accordance this with this Section shall be rescinded. This action does not preclude further suspension and/or revocation of the certification under another Section of this Part or the IVC.

- 2) To any owner or employee who, during the course of interaction with students:
 - A) Engaged in activity that puts the student in danger; or
 - B) Engaged in reckless behavior; or
 - C) Failed to maintain a professional relationship with students at all times.

- 3) Unless the applicant/provider files and maintains with the Department a continuous surety bond in the principal sum of \$50,000, underwritten by a company authorized to do business in the State of Illinois, for the protection of the contractual rights of students. However, the aggregate liability of the surety for all breaches of the condition of the bond in no event shall exceed the principal sum of \$50,000. The surety on any bond may cancel the bond on giving ~~30-days~~^{30-days} notice in writing to the Secretary of State and shall be relieved of liability for any breach of any conditions of the bond that occurs after the effective date of cancellation. All bonds filed pursuant to this provision shall be in substantially the following form:

Know All Persons by These Presents, That We, _____, of _____,

hereinafter referred to as Principal and _____, a corporation organized and existing to do business in the State of Illinois, for the use and benefit of all persons who may be damaged by breach of this bond, as Obligees, in the penal sum of \$50,000, lawful money of the United States of America, for the payment of which sum, well and truly to be made, we bind ourselves, our executors, administrators, successors and assigns, firmly by these presents. The condition of this obligation is such that the principal has made application to the Illinois Secretary of State for certification for the purpose of exercising the vocation of an online only adult education course

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provider. If the Principal faithfully complies with the Illinois Vehicle Code and all rules and regulations that have been or may hereafter be in force concerning the license or permit, and shall save and keep harmless the Obligees from all loss or damage that may be sustained as a result of the issuance of the license or permit to the Principal, this obligation shall be void; otherwise, this obligation shall remain in full force and effect. The bond will expire but may be continued by renewal certificate signed by Principal and Surety. The Surety may at any time terminate its liability by giving 30 days written notice to the Commercial Driver Training Section of the Department, 1800 W. Hawthorne Lane, West Chicago, Illinois 60185~~650 Roppolo Drive, Elk Grove Village, Illinois 60007~~, and the Surety shall not be liable for any default after that 30 day notice period, except for defaults occurring prior thereto.

Signed, Sealed and Dated this _____ day of _____, 20__

Principal _____

Surety _____

By _____

Attorney-in-fact

- 4) Unless the Secretary is satisfied that the applicant/provider has established adequate procedures for verifying the identity of the student taking the course and ensuring that the student completes the course in its entirety.
- 5) Unless the applicant submits a copy of its course content, conforming with Section 1066.45, to the Department for review and approval, including the questions and answers on the quizzes and final examination.
- 6) If a provider fails to immediately report to the Department any unauthorized access to consumer information, including computer breaches, or fails to comply with the Illinois Personal Information Protection Act [815 ILCS 530/5].
- 7) If the applicant/provider is an Illinois corporation, unless the corporation is in good standing with the Illinois Secretary of State, Department of Business Services.

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- 8) If the applicant/provider is a foreign corporation, unless the corporation is authorized to transact business in Illinois, as evidenced by submission of an Application for Authority to Transact Business in Illinois and acceptance of the same by the Illinois Secretary of State, Department of Business Services.
- 9) If the applicant/provider is a foreign limited liability company, unless the limited liability company is authorized to transact business in Illinois, as evidenced by submission of an Application for Admission to Transact Business and acceptance of that application by the Illinois Secretary of State, Department of Business Services.
- 10) If the owner or any employee of the applicant/provider is a current salaried or contractual employee of the Secretary of State.
- 11) If an applicant/provider, owner, or manager engages in fraudulent activity as defined in Section 1066.5.
- 12) If an applicant, owner, or employee has been declared to have engaged in fraudulent activity within the 5 years prior to making application for certification.
- 13) If an applicant/provider or owner owes outstanding fees to the Secretary of State.
- 14) If an applicant/provider sells or discloses any consumer information or fails to post a statement indicating consumer information will not be sold or disclosed on its website.
- 15) If an applicant/provider requests the social security number of students.
- 16) If a provider fails to immediately report to the Department any unauthorized access to consumer information, including computer breaches.
- 17) Unless the provider/applicant maintains a staffed customer service telephone number or live agent online support local Illinois time between 9:00 a.m. and 9:00 p.m. CST Monday through Friday and between 9:00 a.m. and 7:00 p.m. Saturday and also maintains an email address or voice

SECRETARY OF STATE

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mail or answering service 24 hours a day, 7 days a week. All inquiries must be resolved within 48 hours after first contact.

- 18) Unless the provider/applicant provides the Department with a detailed description of each position involved in every facet of the adult driver education course, with contact information for each employee. The provider must report any staffing changes to the Department within 72 hours after the change.
- 19) If the provider uses voice recognition as a method of verification, unless the provider furnishes a ~~toll-free~~ ~~toll-free~~ number for the purposes of providing the required voice exemplars.
 - b) Only one provider certification shall be issued to any individual, group, association, partnership or corporation, and the Department shall deny an application for certification as a provider if any of the applicants are unqualified, are already certified or have made application as another provider.
 - c) Upon receipt of a properly executed application for certification, the Department shall investigate the qualifications of the applicant to determine whether the application should be granted or denied.
 - d) Certifications may only be issued by the Department.
 - e) An entity whose certification has been denied, cancelled, suspended, or revoked pursuant to this Part may request an administrative hearing pursuant to 92 Ill. Adm. Code 1001.
 - f) All monies required to be remitted by a provider to the Department must be submitted in United States currency.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED 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)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
1540.331	New Section
1540.406	New Section
- 4) Statutory Authority: Implementing and authorized by Article 14 of the Illinois Pension Code [40 ILCS 5].
- 5) A Complete Description of the Subjects and Issues Involved: Codifies the System's process for filling a vacancy to an elected member trustee position. The rulemaking also clarifies that a Tier 2 member who is vested with law enforcement duties is eligible to retire at age 55 with 20 years of service in any of the following positions; State policeman, investigator for the Secretary of State, conservation police officer, investigator for the Department of Revenue or the Illinois Gaming Board, investigator for the Office of the Attorney General, Commerce Commission police officer, or arson investigator.
- 6) Published studies and reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand the State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and Manner in which interested persons may comment on this rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

Jeff Houch
State Retirement Systems
2101 South Veterans Parkway
PO Box 19255
Springfield IL 62794-9255

(217) 524-8105
Fax: (217) 557-3943
jeff.houch@srs.illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: There is no impact on small businesses.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not anticipated by the System when the most recent regulatory agendas were published.

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

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED 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 and Survivor's Annuities
1540.80	Disability Claims
1540.81	Occupational Death Benefits
1540.85	Benefit Suspension and Termination for Gainful Employment or Activity
1540.90	Benefit Offset
1540.100	Birth Date Verification
1540.110	Marriage Verification
1540.120	Level Income Option
1540.125	Reversionary Annuity
1540.130	Pension Credit for Unused Sick Leave
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

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- 1540.230 Contributions by the State (Repealed)
1540.240 Actuarially Funded Basis (Repealed)
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
1540.265 Contributions Due for Service Subject to the Uniformed Services and Reemployment Rights Act
1540.266 Unconditional Discharge other than by Dishonorable Discharge
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
[1540.331 Board Vacancies](#)
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
1540.405 Tier 2 Member Final Average Compensation
[1540.406 Retirement Eligibility Criteria For Tier 2 Members Who Are Vested With Police Powers](#)
1540.410 Final Average Compensation for Certain Alternative Retirement Annuity Recipients
1540.415 Prohibited Transactions

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].

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

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 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

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

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; amended at 45 Ill. Reg. 9547, effective July 19, 2021; amended at 46 Ill. Reg. 4100, effective February 23, 2022; amended at 46 Ill. Reg. 6945, effective April 21, 2022; amended at 46 Ill. Reg. 14779, effective August 22, 2022; amended at 46 Ill. Reg. 19224, effective November 18, 2022; amended at 47 Ill. Reg. 3530, effective February 22, 2023; amended at 47 Ill. Reg. 8026, effective May 24, 2023; amended at 47 Ill. Reg. 13138, effective August 22, 2023; amended at 47 Ill. Reg. 16043, effective October 26, 2023; amended at 48 Ill. Reg. 7844, effective May 7, 2024; amended at 48 Ill. Reg. _____, effective _____.

Section 1540.331 Board Vacancies

When a vacancy occurs for an active or retired elected trustee position, the Board shall appoint a qualifying member to fill the vacancy for the remainder of that term. The announcement of the vacancy and the process to fill such vacancy shall be published on the System's website.

- a) If the vacancy is an active member trustee position, an email shall be sent to each active member's email address on file notifying such members of the vacancy, the eligibility criteria to fill such vacancy, and a summary of the process to fill such vacancy. An active member is eligible to fill a vacancy to the position of an active contributing member trustee provided that they have at least eight years of creditable service, supply a resume and statement that summarizes their interest in filling the vacancy, and provide a petition of no less than 250 signatures of active contributing members in support of their candidacy.
- b) If the vacancy is the position of a retired member trustee, an email shall be sent to each retired email address on file notifying each retired member of the vacancy, the eligibility criteria to fill such vacancy, and a summary of the process to fill such vacancy. A retired member is eligible to fill such vacancy if they supply a resume and statement that summarizes their interest in filling the vacancy, and provide a petition of no less than 100 signatures of retired members in support of their candidacy.
- c) A candidate must deliver the documentation and petition requirements of this Section to the System's primary office at least 10 days before the Board meeting

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

in which such vacancy is to be filled.

- d) At the next scheduled meeting of the Board, eligible members who submit the required documents will be considered by the Board for appointment. The affirmative votes of seven trustees are required to appoint a candidate. The Board appointment will be valid for the remainder of the term.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 1540.406 Retirement Eligibility Criteria For Tier 2 Members Who Are Vested With Police Powers

- a) A Tier 2 member qualifies for a retirement annuity payable at age 55 provided that he or she has attained at least 20 years of eligible creditable service for service as either a State policeman, investigator for the Secretary of State, conservation police officer, investigator for the Department of Revenue or the Illinois Gaming Board, investigator for the Office of the Attorney General, Commerce Commission police officer, or arson investigator, as defined in subsection (b) and subsection (c) of Section 14-110 of the Illinois Pension Code.
- b) For purposes of this Section, "Tier 2 Member" means a member of the System who is subject to the provisions of Section 1-160 of the Illinois Pension Code.

(Source: Added at 48 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Authorized Child Care Payments
- 2) Code Citation: 89 Ill. Adm. Code 359
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
359.2	Amendment
359.4	Amendment
359.11	New Section
- 4) Statutory Authority: Children and Family Services Act [20 ILCS 505/5]
- 5) Effective Date of Rules: May 21, 2024
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the Adopted Rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the Illinois Register: 47 Ill. Reg. 17575; December 1, 2023
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Various typographical, grammatical, formatting, and non-substantive changes were made in response to the comments from JCAR as well as the following:
 - In Section 359.2, removed definitions for "Auxiliary services," and "Contact between siblings."
 - In Section 359.2, the definition of "foster family home" was amended to read:

"Foster family home" means the home of an individual or family:

that is licensed or approved by the state in which it is situated as a foster family home that meets the standards established for the licensing or approval; and

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

in which a child in foster care has been placed in the care of an individual who resides with the child and who has been licensed or approved by the state to be a foster parent:

who the Department of Children and Family Services deems capable of adhering to the reasonable and prudent parent standard;

who provides 24-hour substitute care for children placed away from their parents or other caretakers; and

who provides the care for no more than 6 children, except the Director of Children and Family Services, pursuant to Department regulations, may waive the numerical limitation of foster children who may be cared for in a foster family home for any of the following reasons to allow:

a parenting youth in foster care to remain with the child of the parenting youth;

siblings to remain together;

a child with an established meaningful relationship with the family to remain with the family; or

a family with special training or skills to provide care to a child who has a severe disability.

The family's or relative's own children, under 18 years of age, shall be included in determining the maximum number of children served. [225 ILCS 10/2.17]

- Section 359.4 a new paragraph regarding foster care maintenance payments was added at the beginning and the following subsections renumbered.

In Subsection (a) changed "payment" to "payments may be" and after "under" added "this Part". After "requirements" "per" was changed to "under".

In Subsection (b), revised labels through the entire subsection.

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- In Section 359.4(b)(1)(B) (previously (a)(2)), replaced "may" with "will" in both places.
 - In Section 359.4 removed previous (a)(6) "Deaf foster care is a unique service provided in Department boarding homes for children for whom the Department is not legally responsible who require placement for educational reasons."
 - In Section 359.4(b)(5)(A)(iii) (previously (e)(1)(C)), removed "and Appendix B, Calculating the Amount of Adoption Assistance." Removed "mental, or emotional disability" and replaced with "disability, developmental disability, or mental illness".
 - In Section 359.4(b)(5)(C) (previously (e)(3)) changed "parent(s)" to "parent or parents" in three places.
 - In Section 359.11, removed italics and revised labels. Removed the word "under".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The purpose of the rulemaking is to add definitions for "child care institution," "foster family home," and "Qualified Residential Treatment Program," and to revise the definition of "foster care maintenance payments" to comport with provisions of the Title IV-E Foster Care Maintenance Program of the Social Security Act (42 U.S.C. 672). The revisions are necessary in order to ensure appropriate federal payments are received by the Department. In addition, a new Section "Limitation on Federal Financial Participation" has been added to clarify the terms of federal payments when a child is placed in a child care institution or licensed residential family-based treatment facility.
- 16) Information and questions regarding these adopted rules shall be directed to:

Tamara Bristow

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62701

(217) 524-1983
DCFS.Policy@illinois.gov

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER c: FISCAL ADMINISTRATIONPART 359
AUTHORIZED CHILD CARE PAYMENTS

Section

359.1	Purpose
359.2	Definitions
359.3	Introduction
359.4	Payments for Substitute Care Services
359.5	Payments for Family Preservation and Auxiliary Services
359.6	Payments for Independent Living Arrangements
359.7	Payments for Children's Personal and Physical Maintenance
359.8	Payments for Unmarried Mothers (Repealed)
359.9	Payments for Medical Care
359.10	Overpayments and Repayments
359.11	Limitation on Federal Financial Participation

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5]; 42 U.S.C. 672 and 42 U.S.C. 675.

SOURCE: Adopted and codified at 5 Ill. Reg. 13129, effective November 30, 1981; amended at 9 Ill. Reg. 19705, effective December 16, 1985; amended at 10 Ill. Reg. 15575, effective September 19, 1986; amended at 19 Ill. Reg. 10464, effective July 1, 1995; emergency amendment at 21 Ill. Reg. 3259, effective March 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 10904, effective July 29, 1997; amended at 26 Ill. Reg. 11791, effective August 1, 2002; amended at 40 Ill. Reg. 802, effective December 31, 2015; amended at 40 Ill. Reg. 7791, effective May 16, 2016; amended at 42 Ill. Reg. 2246, effective January 17, 2018; amended at 48 Ill. Reg. 8346, effective May 21, 2024.

Section 359.2 Definitions

~~"Auxiliary services" means those services provided by the Department to children in their own homes as well as to children in placement which supplement or complement the primary service. For example, when advocacy services are provided to children in substitute care, this is an auxiliary service.~~

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"Child-care institution" means a private child-care institution, or a public child-care institution that accommodates no more than 25 children, and is licensed or approved by the Department, meeting the standards established for the licensing. In the case of a child who has attained 18 years of age, the term shall include a supervised setting in which the individual is living independently. The term shall not include detention facilities, forestry camps, training schools, or any other facility operated primarily for the detention of children who are determined to be delinquent. (42 U.S.C.S. 672(c)(2)(a)-(c))

"Child only standard of need" means the assistance standard for cases in which no adult member is included, as determined by the Illinois Department of Human Services.

"Children for whom the Department has legal responsibility" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or whose parents have signed an adoptive surrender or voluntary placement agreement with the Department.

~~"Contact between siblings" means contact between or among siblings who are placed apart from one another, and may include, but is not limited to: telephone calls; video conferencing; in person visitation; sending/receiving cards, letters, emails, text messages, gifts, etc.; sharing photographs or information; use of any approved social media (e.g., Facebook); and any other agreed upon forms of communication technology.~~

"Family preservation services" means those services provided to children and families who require social services to maintain the family unit intact.

"Fictive kin" means any individual, unrelated by birth or marriage, who:

is shown to have significant and close personal or emotional ties with the child or the child's family prior to the child's placement with the individual; or

is the current foster parent of a child in the custody or guardianship of the Department pursuant to the Child and Family Services Act and the Juvenile Court Act of 1987, if the child has been placed in the home for at least one year and has established a significant and family-like relationship with the foster parent, and the foster parent has been

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identified by the Department as the child's permanent connection. [20 ILCS 505/7(b)]

"Foster care ~~maintenance payments~~**payment**" means payments to cover the cost of (and the cost of providing) food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to a child, reasonable travel to the child's home for visitation, and reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement. In the case of institutional care, such term shall include the reasonable cost of administration and operation of such institution as are necessarily required to provide the items described herein, the same is also applicable in cases where a child placed in a foster family home or child-care institution is the parent of a child who is in the same home or institution and payments. (42 U.S.C.S. 675(4)(a)-(b))~~the amount paid by the Department for a child's room, board, clothing, and personal allowance in a licensed foster family home.~~

"Foster family home" means the home of an individual or family:

that is licensed or approved by the state in which it is situated as a foster family home that meets the standards established for the licensing or approval; and

in which a child in foster care has been placed in the care of an individual who resides with the child and who has been licensed or approved by the state to be a foster parent:

who the Department of Children and Family Services deems capable of adhering to the reasonable and prudent parent standard;

who provides 24-hour substitute care for children placed away from their parents or other caretakers; and

who provides the care for no more than 6 children, except the Director of Children and Family Services, pursuant to Department regulations, may waive the numerical limitation of foster children who may be cared for in a foster family home for any of the following reasons to allow:

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a parenting youth in foster care to remain with the child of the parenting youth;

siblings to remain together;

a child with an established meaningful relationship with the family to remain with the family; or

a family with special training or skills to provide care to a child who has a severe disability.

The family's or relative's own children, under 18 years of age, shall be included in determining the maximum number of children served. [225 ILCS 10/2.17]

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code 301.60 (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 (Relative Home Placement) must be met.

"Overpayment" means an amount paid for a service in excess of the actual incurred expenses or rate for that service or a payment for a service that is not rendered. This includes board payments for a child that continue after the child is no longer in the placement for which the payment is made.

"Permanent connection" means a family-like relationship, consistent with a child's best interests, health, safety and well-being, that provides:

safe, stable and committed parenting;

unconditional love and lifelong support; and

a permanent legal status between child and family.

For a child for whom the Department is legally responsible, a permanent

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connection may be the child's parents or another caregiver in the child's home of origin. When the child cannot be safely returned home, a permanent connection may be the current or former foster parent or relative caregiver, an individual identified as an adoptive or legal guardianship placement resource, or another individual from among the child's or family's lifelong connections with whom a child has developed a familial relationship.

"Qualified Residential Treatment Program" means a program that:

has a trauma-informed treatment model that is designed to address the needs, including clinical needs as appropriate, of children with serious emotional or behavioral disorders or disturbances and, with respect to a child, is able to implement the treatment identified for the child by the assessment of the child required under 42 U.S.C. 675a(c);

has registered or licensed nursing staff and other licensed clinical staff who:

provide care within the scope of their practice as defined by state law;

are on-site according to a trauma informed treatment model; and

are available 24 hours a day and 7 days a week;

to the extent appropriate, and in accordance with the child's best interests, facilitates participation of family members in the child's treatment program;

facilitates outreach to the family members of the child, including siblings, documents how the outreach is made (including contact information), and maintains contact information for any known biological family and fictive kin of the child;

documents how family members are integrated into the treatment process for the child, including post-discharge, and how sibling connections are maintained;

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provides discharge planning and family-based aftercare support for at least 6 months post-discharge; and

is licensed in accordance with 42 U.S.C. 671(a)(10) and is accredited by any of the following independent, not-for-profit organizations:

The Commission on Accreditation of Rehabilitation Facilities (CARF)

The Joint Commission on Accreditation of Healthcare Organizations (JCAHO)

The Council on Accreditation (COA)

Any other independent, not-for-profit accrediting organization approved by the Secretary of Health and Human Services. (42 U.S.C. 672(k)(4))

"Relative", for purposes of placement of a child for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent (as defined in this Section), great-uncle or great-aunt; or

is the spouse, or party to a civil union, of such a relative; or

is the child's step-father, step-mother, step-grandfather, step-grandmother or adult step-brother or step-sister; or

is the partner, or adult child of a partner, in a civil union with the child's mother or father; or

is a fictive kin as defined in this Section.

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Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition prior to the adoption, but only if the Department determines that it would be in the best interests of the child to consider this person a relative. [20 ILCS 505/7(b)]

"Siblings" means children who have at least one parent in common. Children continue to be considered siblings after parental rights are terminated or after one or more of the children are adopted or placed in private guardianship, if they were in the custody or guardianship of the Department pursuant to Article II of the Juvenile Court Act of 1987 immediately prior to the adoption or guardianship. Step-siblings may be considered "siblings" when the children enter into substitute care together, have a positive relationship and share at least one parent in common.

"Substitute care services" means those services provided to children who require placement away from their families or private guardians. Substitute care includes foster family care, care provided in a relative home placement as defined in 89 Ill. Adm. Code 301.80 (Relative Home Placement), care provided in a group home, care provided in a maternity center or a child care facility, mental health or other institution, and care provided in an independent living arrangement.

"Visitation" means face-to-face contact:

between parents and their children who are in substitute care;

between siblings in substitute care who are placed apart from one another;
or

between siblings in substitute care with siblings who are not in substitute care (e.g., emancipated, case closed due to independence, adopted, placed in private guardianship, living in home of parent, etc.).

(Source: Amended at 48 Ill. Reg. 8346, effective May 21, 2024)

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Section 359.4 Payments for Substitute Care Services

- a) Foster care maintenance payments may be made under this Part only on behalf of a child who has been removed from the home of a relative into foster care, by voluntary placement agreement or judicial determination, and meets the AFDC eligibility requirements under 42 U.S.C. 602 and is in the foster family home of an individual, whether the payments therefor are made to such individual, or to a public or private child-placement or child-agency, or in a child-care institution, whether the payments therefor are made to such institution or to a public or private child-placement or child-care agency, which payments shall be limited so as to include in such payments only those items which are included in the term "foster care maintenance payments" as defined in Section 359.2 of this Part. (42 U.S.C. 672(b)(1)-(2))
- b) Payments are made for children for whom the Department has legal responsibility and their children living with them in the following types of substitute care living arrangements if the placements meet the requirements established via the purchase of service contracts and the applicable licensing rules as specified in 89 Ill. Adm. Code 357, Purchase of Service, 89 Ill. Adm. Code 401, Licensing Standards for Child Welfare Agencies, 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes, 89 Ill. Adm. Code 403, Licensing Standards for Group Homes, and 89 Ill. Adm. Code 404, Licensing Standards for Child Care Institutions and Maternity Centers:
- 1a) Foster family care is provided in licensed foster family homes. The Department recognizes the following types of foster family care:
- A1) Specialized foster family homes and intensive service foster homes receive additional monthly compensation because they accept children with medical, behavioral and/or psychological problems or because they accept pregnant girls or young mothers who are in need of specialized training in parenting skills, child development, money management, and self sufficiency.
- B2) Emergency foster homes will~~may~~ be paid a flat rate for days of service provided or will~~may~~ receive retainer fees to assure that emergency beds are available 24 hours per day.
- C3) Department boarding homes are licensed foster family homes

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operated by foster parents supervised by the Department.

- D4) Private agency foster homes are licensed foster family homes supervised by licensed child welfare agencies.
- E5) Relatives who choose to be licensed as foster family homes under the provisions of 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes.
- ~~6~~) ~~Deaf foster care is a unique service provided in Department boarding homes for children for whom the Department is not legally responsible who require placement for educational reasons.~~
- 2b) Relative family care may be provided by a relative as defined in Section 359.2, living within the State of Illinois, as follows:
- A1) If a relative does not wish to apply for licensure as a foster family home, or has submitted an application for licensure and the application is pending, or has applied for licensure and been denied, the relative may provide care to children for whom the Department is legally responsible as long as the relative family home continues to meet the conditions in ~~Section 301.80 of~~ 89 Ill. Adm. Code 301.80, Placement and Visitation Services.
- B2) For children for whom the Department is legally responsible who are residing in a home described in subsection (b)(~~2~~)(A)(~~1~~) ~~above~~, the Department will pay for the related children placed with the relative caregiver at the child only standard of need established by the Illinois Department of Human Services.
- 3e) Relative family care may also be provided to relatives living out of the State of Illinois. If a relative living in another state is providing care for a child for whom the Department is legally responsible, the relative will receive the full foster care rate if the relative submits documentation to the Department within 120 days after placement of the child that they are licensed, approved or certified in accordance with the other state's standard for licensing, approving or certifying foster homes. If documentation is not submitted, the Department will reduce the payment to the child only standard of need established for that number of children

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by the Illinois Department of Human Services. If, at a future date, the relative submits documentation to the Department that they are licensed, approved or certified in accordance with the other state's standard for foster homes, the payment will be increased to the full foster care rate.

~~4d~~) Institution and group home care is provided in licensed institutions and group homes. Rates are established for these facilities via a purchase of service contract with the Department.

~~5e~~) Subsidized adoptive homes are adoptive homes to which the Department provides financial assistance when a special needs child for whom the Department was legally responsible is adopted.

~~A1~~) The types of adoption assistance that may be provided include:

~~iA~~) one-time only payments of non-recurring expenses incurred by or on behalf of the adoptive parents in connection with the adoption of a special needs child up to a maximum of \$1500 for each adopted child;

~~iiB~~) payment for physical, emotional and mental health needs not wholly payable through insurance or other public resources that are associated with or result from a condition(s) whose onset has been established as occurring prior to the completion of the adoption;

~~iiiC~~) ongoing monthly payments in an amount determined in each case by the Department in accordance with 89 Ill. Adm. Code 302, Services Delivered by the Department ~~and~~; Section 302.310, Adoption Assistance Agreements; ~~and Appendix B, Calculating the Amount of Adoption Assistance~~. The duration of adoption assistance may not extend beyond 18 years of age, although adoption assistance may be provided at the Department's option until the child's 21st birthday if the child has a physical ~~disability, developmental disability, or mental illness, mental, or emotional disability~~ that warrants the continuation of assistance.

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- ~~B2~~) The purpose, amount, and duration of the adoption assistance will be mutually agreed to by the Department and the adopting parents prior to completion of the adoption in the form of a written agreement. The amount of financial assistance shall be less than the cost of maintaining the child in an appropriate foster family home. Special service fees shall cost no more than such services would cost the Department.
- ~~C3~~) The Department shall review with the adoptive parent or parents~~parent(s)~~ the continuing needs of the child for adoption assistance every two years or more frequently, based on changes in the circumstances of the adoptive parent or parents~~parent(s)~~ and the needs of the child being adopted. The adoptive parent or parents~~parent(s)~~ shall renew the adoption assistance agreement every two years prior to the anniversary date of the finalization of the adoption.
- ~~6f~~) Related services are not substitute care services but are provided to enhance the care provided to children who require substitute care services.
- ~~A1~~) In an effort to upgrade the quality of foster family care, the Department may pay for foster parent training and costs associated with training. These payments are provided as funding allows.
- ~~B2~~) Permanent planning and adoption contracts may be negotiated with licensed child welfare agencies. These contracts are negotiated to develop plans for children in substitute care and to secure adoptive resources for special needs children.

(Source: Amended at 48 Ill. Reg. 8346, effective May 21, 2024)

Section 359.11 Limitation on Federal Financial Participation

- a) Beginning with the third week for which foster care maintenance payments are made on behalf of a child placed in a child-care institution, the Department will not receive Federal payments for amounts expended for foster care maintenance payments on behalf of the child unless:
- 1) the child is placed in a child-care institution that is:

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- A) a qualified residential treatment program (QRTP);
 - B) a setting specializing in providing prenatal, post-partum, or parenting supports for youth;
 - C) in the case of a child who has attained 18 years of age, a supervised setting in which the child is living independently; or
 - D) a setting providing high-quality residential care and supportive services to children and youth who have been found to be or are at risk of becoming, sex trafficking victims. (42 U.S.C. 672(k)(2)(A)-(D)) or
- 2) the child is placed in a licensed residential family-based treatment facility with a parent who is in a licensed residential family-based treatment facility for substance abuse, and only when:
- A) the recommendation for the placement is specified in the child's case plan before the placement;
 - B) the treatment facility provides parenting skills training, parent education and individual and family counseling; and
 - C) the substance abuse treatment, parenting skills training, parent education, and individual and family counseling is provided under an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma and in accordance with recognized principles of a trauma-informed approach and trauma-specific interventions to address the consequences of trauma and facilitate healing; (See 42 U.S.C. 672 (j)(1)(A)-(C)), and
- 3) the child is placed in a qualified residential treatment program and the required assessment to determine the child's appropriate placement is completed within 30 days after the placement is made.
- b) If the required placement assessment determines that the placement of a child in a QRTP is not appropriate, a court disapproves or a child who has been in an

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approved placement in a qualified residential treatment program is going to return home or be placed with a fit and willing relative, a legal guardian, or an adoptive parent, or in a foster family home or the child remains in the placement beyond the 30-day period necessary for the child to transition to the new placement. (42 U.S.C. 672(k)(3)(A)-(B))

(Source: Added at 48 Ill. Reg. 8346, effective May 21, 2024)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Behavior Analyst Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1376
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
1376.10	New Section
1376.15	New Section
1376.20	New Section
1376.25	New Section
1376.30	New Section
1376.35	New Section
1376.40	New Section
1376.45	New Section
1376.50	New Section
1376.55	New Section
1376.60	New Section
1376.65	New Section
1376.70	New Section
1376.75	New Section
1376.80	New Section
- 4) Statutory Authority: Implementing the Behavior Analyst Licensing Act [225 ILCS 6]
- 5) Effective Date of Rule: May 23, 2024
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the Adopted Rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 48 Ill. Reg. 2313; February 16, 2024
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Differences between proposal and final version: The adopted rules have few changes from the proposed version. What changes were made are either technical or for

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clarification purposes. One change that the Department made for clarification purposes per a public comment was:

In Section 1376.50 b) 1) A), after "Behavior Analyst Certification Board", " approved continuing education providers" was added.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The adopted rules implement Public Act 102-953, which created the Behavior Analyst Licensing Act [225 ILCS 6]. The Act established behavior analysts and assistant behavior analysts as newly-licensed professions which required the Department to adopt rules to implement the Act. These rules establish procedures and requirements for licensure, license renewals, continuing education, restoration of licenses, and recordkeeping. They also institute standards for determining rehabilitation and establish application, renewal, and other fees. A section is included in the rules that defines dishonorable, unethical, or unprofessional conduct and another section is included that outlines the procedure for granting of variances from the rules.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 2nd Floor
Springfield, Illinois 62786

(217) 785-0810
Fax: (217) 557-4451
Craig.cellini@illinois.gov

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1376

BEHAVIOR ANALYST LICENSING ACT

Section

- 1376.10 Definitions
- 1376.15 Approved Programs for Licensed Behavior Analysts
- 1376.20 Approved Programs for Licensed Assistant Behavior Analysts
- 1376.25 Supervised Work Experience
- 1376.30 Examination
- 1376.35 Application for Licensure
- 1376.40 Endorsement
- 1376.45 Renewals
- 1376.50 Continuing Education
- 1376.55 Restoration
- 1376.60 Rehabilitation
- 1376.65 Fees
- 1376.70 Dishonorable, Unethical, or Unprofessional Conduct
- 1376.75 Applicant and Licensee Address of Record, Email Address of Record, and/or Licensee Change of Name Information
- 1376.80 Granting Variances

AUTHORITY: Implementing the Behavior Analyst Licensing Act [225 ILCS 6] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105]

SOURCE: Adopted at 48 Ill. Reg. 8363, effective May 23, 2024.

Section 1376.10 Definitions

"Act" means the Behavior Analyst Licensing Act [225 ILCS 6].

"BACB" means the Behavior Analyst Certification Board.

"BCaBA" means a Board Certified Assistant Behavior Analyst.

"BCBA" means a Board Certified Behavior Analyst.

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"Board" means the Advisory Board of Behavior Analysts.

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

"Director" means the Director of the Division of Professional Regulation with the authority delegated by the Secretary.

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

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

Section 1376.15 Approved Programs for Licensed Behavior Analysts

A program approved by the Division shall be an educational program that meets the criteria specified by the BACB Handbook for eligibility to sit for the BCBA examination. For purposes of this Section, the Division incorporates by reference the Behavior Analyst Certification Board's "Board Certified Behavior Analyst Handbook", 2024, approved by the BACB, 7950 Shaffer Pkwy, Littleton, CO 80127, with no later amendments or editions.

Section 1376.20 Approved Programs for Licensed Assistant Behavior Analysts

A program approved by the Division shall be an educational program that meets the criteria specified by the BACB Handbook for eligibility to sit for the BCaBA examination. For purposes of this Section, the Division incorporates by reference the Behavior Analyst Certification Board's "Board Certified Behavior Analyst Handbook", 2024, approved by the BACB, 7950 Shaffer Pkwy, Littleton, CO 80127, with no later amendments or editions.

Section 1376.25 Supervised Work Experience

The Division has determined that the 500 hours of supervision required for licensure as a licensed behavior analyst required by Section 30 of the Act are satisfied by the field training required for certification as a BCBA or BCaBA.

Section 1376.30 Examination

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- a) The examination approved by the Division for licensure as a licensed behavior analyst is the BCBA Certification Examination of the BACB. The passing score on the examination shall be the passing score established by the BACB.
- b) The examination approved by the Division for licensure as a licensed assistant behavior analyst is the BCaBA Certification Examination of the BACB. The passing score on the examination shall be the passing score established by the BACB.
- c) An applicant who fails an examination may retake the examination in accordance with the procedures established by the BACB.
- d) The applicant shall pay examination fees to the BACB. These fees are in addition to the license application fee payable to the Division.

Section 1376.35 Application for Licensure

- a) An applicant for licensure as a behavior analyst shall file an application on forms provided by the Division. The application shall include:
 - 1) Current valid BCBA certification issued by the BACB that includes the minimum hours of supervised experience under Section 30(a)(3) of the Act. If the applicant is unable to provide proof of current valid certification, the applicant shall provide:
 - A) Certification of graduation from an approved program that meets the requirements set forth in Section 1376.15; and
 - B) Proof of passing the BCBA Certification Examination. The proof shall be forwarded to the Division from the BACB; and
 - 2) The fee required in Section 1376.55.
- b) An applicant who applies for licensure as a behavior analyst before July 1, 2028, who has not obtained the supervised experience described in Section 30(a)(3) of the Act, may be considered for a license if the following is submitted with an application:
 - 1) An official transcript and a diploma or certification of graduation

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- evidencing that the applicant has received a graduate degree in behavior analysis or a related field from a regionally accredited college or university that meets the standards provided in Section 1376.15;
- 2) Certification of successful completion of an examination as provided in Section 1376.30. The certification shall be forwarded to the Division from the BACB;
 - 3) The fee required in Section 1376.65.
- c) An applicant for licensure as an assistant behavior analyst shall file an application on forms provided by the Division. The application shall include:
- 1) Current valid BCaBA certification issued by the BACB that includes the supervised experience required under Section 35(a)(3) of the Act. If the applicant is unable to provide proof of current valid certification, the applicant shall provide:
 - A) Certification of graduation from an approved program that meets the requirements set forth in Section 1376.15; and
 - B) Proof of passing the BCaBA Certification Examination. The proof shall be forwarded to the Division from the BACB; and
 - 2) The fee required in Section. 1376.65.
- d) An applicant who applies for licensure as an assistant behavior analyst before July 1, 2028, who has not obtained the supervised experience as described in Section 35(a)(3) of the Act, may be considered for a license if the following is submitted with an application:
- 1) An official transcript and a diploma or certification of graduation evidencing that the applicant has received a bachelor's degree in the field of behavior analysis from a regionally accredited college or university that meets the standards provided in Section 1376.15;
 - 2) Certification of successful completion of an examination as provided in Section 1376.30. The certification shall be forwarded to the Division from the testing entity;

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- 3) The fee required in Section 1376.65.

Section 1376.40 Endorsement

- a) An applicant for licensure as a licensed behavior analyst or licensed assistant behavior analyst who is licensed under the laws of another state shall file an application on forms provided by the Division. Applicants must be at least 18 years of age. The application shall include:
 - 1) A certification from the jurisdiction of original licensure and current licensure stating:
 - A) The date of issuance and status of the license; and
 - B) Whether the records of the licensing authority contain any record of any disciplinary actions taken or pending.
 - 2) Proof of the following:
 - A) Official transcript and diploma or official transcript and certification of graduation that complies with Section 1376.15 or Section 1376.20; and
 - B) Certification of previous successful completion of an examination that is the same or similar to the examination as provided for in Section 1376.30. If the applicant does not meet this requirement, the applicant must successfully complete the examination provided for in Section 1376.30.
 - 3) The fee required in Section 1376.65.
- b) The Division shall examine each endorsement application to determine whether the requirements in the other state at the date of licensing were substantially equivalent to the requirements of the Act and this Part. If the Division determines the endorsement application to be substantially equivalent, then the Division will approve the application.

Section 1376.45 Renewals

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- a) All licenses issued under the Act shall expire October 31 of each odd-numbered year. The holder of a license may renew the license during the 60 days preceding the expiration date by paying the required fee.
- b) Compliance with the CE requirement in Section 1376.50 is a condition of renewal.
- c) Practice on an expired license shall be considered unlicensed practice and shall be grounds for discipline pursuant to Section 60 of the Act.

Section 1376.50 Continuing Education

- a) Continuing Education (CE) Requirements
 - 1) Beginning with the 2027 renewal period, all licensed behavior analysts shall complete 30 hours of approved CE during the 24 months preceding renewal. All licensed assistant behavior analysts shall complete 20 hours of approved CE during the 24 months preceding renewal.
 - 2) As part of the required hours of CE for renewal, CE must be obtained as provided 68 Ill. Adm. Code 1130, Subpart E.
 - 3) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.
 - 4) Licensees licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.
 - 5) CE hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois as provided in subsection (d).
- b) Approved CE Sponsors and Programs
 - 1) Sponsor, as used in this Section, shall mean:
 - A) Behavior Analyst Certification Board approved continuing education providers;

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- B) American Psychological Association;
 - C) Any Illinois university or college that offers a degree in behavior analysis and that provides CE in a form and manner consistent with this Section; or
 - D) Any other person, firm, association, corporation, or other group that has been approved and authorized by the Division pursuant to subsection (b)(2), below, upon recommendation of the Board to coordinate and present continuing education courses or programs.
- 2) Entities seeking approval as CE sponsors pursuant to subsection (b)(1)(D) shall file an application, on forms supplied by the Division, along with the application fee specified in Section 1376.65. The applicant shall certify on the application the following:
- A) That all programs offered by the sponsor for CE credit will comply with the criteria in subsection (b)(3), and all other criteria in this Section. A sponsor shall be required to submit a CE program with course materials for review prior to being approved as a CE sponsor;
 - B) That the sponsor will be responsible for verifying attendance at each program and provide a certificate of attendance as set forth in subsection (b)(7);
 - C) That, upon request by the Division, the sponsor will submit evidence (e.g., certificate of attendance or completion or course materials) as is necessary to establish compliance with this Section. Evidence shall be required when the Division has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance.
- 3) All programs shall:
- A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the profession of applied behavior analysis;

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- B) Foster the enhancement of the behavior analyst profession and values;
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
 - D) Specify the course objectives, course content, and teaching methods to be used; and
 - E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal.
- 4) CE may be offered in a classroom setting or by online instruction. Each online CE program shall include examination.
 - 5) Each CE program shall provide a mechanism for evaluation of the program and instructor by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail or electronic means. The sponsor and instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.
 - 6) A sponsor approved pursuant to subsection (b)(1) may subcontract with individuals or organizations to provide approved programs. All advertising, promotional materials, and certificates of attendance must identify the approved sponsor. The presenter of the program may also be identified but should be identified as a presenter. When an approved sponsor subcontracts with a presenter, the sponsor retains all responsibility for monitoring attendance, providing certificates of attendance, and ensuring the program meets all the criteria established by the Act and this Section, including the maintenance of records.
 - 7) Certification of Attendance.
 - A) It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:

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- ~~i1)~~ The sponsor's name and, if applicable, sponsor approval number;
 - ~~ii2)~~ The name of the participant;
 - ~~iii3)~~ A brief statement of the subject matter;
 - ~~iv4)~~ The number of hours attended in each program;
 - ~~v5)~~ The date and place of the program; and
 - ~~vi6)~~ The signature of the sponsor.
 - B) The sponsor shall maintain attendance records for not less than 5 years.
 - 8) The sponsor shall be responsible for assuring that no one will receive CE hours for time not actually spent attending or participating in the program.
 - 9) Upon the failure of the sponsor to comply with any of the requirements of subsection (b), the Division, after notice to the sponsor, shall thereafter refuse to accept for CE attendance at or participation any of that sponsor's CE programs until the Division receives assurances of compliance with this Section.
 - 10) Notwithstanding any other provision of this Section, the Division or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with requirements of this Section.
- c) Certification of compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsection (a).
 - 2) The Division may require additional evidence demonstrating compliance with the CE requirements (e.g., certificates of attendance). This additional evidence shall be required in the context of the Division's random audit. It is the responsibility of each renewal applicant to retain or otherwise

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produce evidence of compliance.

- 3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request a hearing with the Board. At that time, the Board may recommend that steps be taken to begin formal disciplinary proceedings.

d) CE Attended in Other Jurisdictions

- 1) If a licensee has attended CE programs offered in another jurisdiction not given by an approved sponsor for which the licensee will be claiming credit towards full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, prior to participation in the program or within 90 days after expiration of the license. The program will be reviewed using the criteria set forth in subsection (b)(2) and the Division will notify the licensee of its decision.
- 2) If a licensee fails to submit an out-of-state CE approval form prior to participation in the program, late approval may be obtained by submitting the approval request with the \$25 processing fee plus a late fee of \$50 per CE hour, not to exceed \$300. The program will be reviewed using the criteria set forth in subsection (b)(2).
- 3) CE completed online is not eligible for out-of-state CE credit. All online CE must be provided by an approved CE provider as set forth in subsection (b).

e) Waiver of CE Requirements

- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements may file with the Division a renewal application, along with the fee set forth in Section 1376.65, an affidavit setting forth the facts concerning noncompliance and request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Division, upon the written recommendation of the Board, finds from the affidavit or any other evidence submitted that good cause has been shown for granting a waiver, the Division will waive enforcement of CE requirements for the renewal period for which the applicant has applied.

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- 2) Good cause shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable pre-renewal period because of:
 - A) Full-time service in the Armed Forces of the United States during a substantial part of the pre-renewal period;
 - B) A temporary incapacitating illness document by a statement from a currently licensed health care provider; A second, consecutive request for a CE waiver pursuant to this subsection (e)(2)(B) shall be prima facie proof that the renewal applicant has a physical or mental illness, including, but not limited to, deterioration through the aging process or loss of cognitive or motor skills that results in the licensee's inability to practice applied behavioral analysis or as an assistant behavioral analyst with reasonable judgment, skill or safety, in violation of Section 60(a)(18) of the Act, and shall be grounds for denial of the renewal application or other disciplinary or non-disciplinary; or
 - C) Any other similar extenuating circumstances.
- 3) When the licensee is requesting a waiver due to physical or mental illness or incapacity, the licensee shall provide a current fitness to practice statement from a currently licensed health care provider familiar with the licensee's medical history.
- 4) Any renewal applicant who, prior to the expiration date of the license, submits a request for waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Division.

Section 1376.55 Restoration

- a) A person seeking restoration of a license that has expired for 5 years or less shall have the license restored upon payment of all lapsed renewal fees required by Section 1376.65 and proof of completion of the CE required under Section 1376.60 in the 2 years prior to restoration.

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- b) A person seeking restoration of a license that has been placed on inactive status for 5 years or less shall have the license restored upon payment of the current renewal fee required by Section 1376.65 and proof of completion of the CE required under Section 1376.50 in the 2 years prior to restoration.
- c) A person seeking restoration of a license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Division, proof of completion of the CE required under Section 1376.50, and payment of the restoration fee required by Section 1376.65 in the 2 years prior to restoration. The applicant shall also submit one of the following:
- 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active practice;
 - 2) An affidavit attesting to military service as provided in subsection 50(d) of the Act;
 - 3) Evidence of current certification as a BCBA or BCaBA; or
 - 4) Submit verification of 500 hours of supervised experience as described in Section 1376.25.
- d) A person seeking restoration of a license that has been revoked, suspended, in refuse to renew status, or on probation for 3 years or less shall comply with the same requirements provided in subsection (b); shall provide sufficient evidence to establish that the person has been rehabilitated as provided in Section 1376.60; and pay the restoration fee required by Section 1376.65.
- e) A person seeking restoration of a license that has been revoked, suspended, in refuse to renew status, or on probation for more than 3 years shall comply with the same requirements provided in subsection (d); shall provide sufficient evidence to establish that the person has been rehabilitated as provided in Section 1376.60; and pay the restoration fee required by Section 1376.65.
- f) Except for persons seeking restoration of a license pursuant to subsections (d) and (e), when the accuracy or sufficiency of any submitted documentation is questioned by the Division because of a lack of information, discrepancies, or

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conflicts in information given or a need for clarification, the person seeking restoration of a license may be requested to:

- 1) Provide information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain the relevance or sufficiency, clarify information, or clear up any discrepancies or conflict in information.

Section 1376.60 Rehabilitation

Upon written petition for restoration of a license from discipline pursuant to Section 1376.55, the Board shall consider, but is not limited to, the following in determining if the person is to be deemed sufficiently rehabilitated to warrant the public trust:

- a) The seriousness of the offense that resulted in the disciplinary action taken;
- b) The length of time that elapsed since the disciplinary action was taken;
- c) The profession, occupation, and outside activities in which the petitioner has been involved;
- d) Any counseling, medical treatment, or other rehabilitative treatment received by the petitioner;
- e) CE courses or other types of courses taken to correct the grounds for the disciplinary action having been taken;
- f) Written reports and oral testimony by other persons relating to the skill, knowledge, honesty, integrity, and contriteness of the petitioner;
- g) Restitution to injured parties;
- h) Future plans of the petitioner;
- i) Involvement of the petitioner's family and friends in the petitioner's rehabilitation process;
- j) A written report of a physical or mental examination given by a physician

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selected by the Board and paid for by the petitioner;

- k) Any other information evidencing rehabilitation that would bear upon the petitioner's request for restoration of a license;
- l) Whether the order imposing sanctions was appealed and, if so, whether a reviewing court granted a stay or delay of imposition of the sanction;
- m) The date and disposition of any other petition for restoration filed since the last sanction was imposed; and
- n) Whether there has been compliance with any probationary terms imposed.

Section 1376.65 Fees

The following fees shall be paid to the Division and are not refundable:

- a) The fee for application for a license as a licensed behavior analyst under Section 1376.35 is \$400.
- b) The fee for application for a license as a licensed assistant behavior analyst under Section 1376.35 is \$100.
- c) The fee for renewal of a license as a licensed behavioral analyst is \$300.
- d) The fee for renewal of a license as a licensed assistant behavioral analyst is \$75.
- e) The fee for restoration of a license other than from inactive status is \$50 plus payment of all lapsed renewal fees not to exceed \$600 for a licensed behavior analyst and not to exceed \$150 for a licensed assistant behavior analyst.
- f) The fee for certification of a licensee's record for any purpose is \$20.
- g) The fee for a CE sponsor subject to the approval of the Board is \$500. The fee is waived for a State agency, State university, or community college.
- h) The fee for a two-year renewal for a CE sponsor subject to approval of the Board is \$250. The renewal fee is waived for a State agency, State university, or community college.

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Section 1376.70 Dishonorable, Unethical, or Unprofessional Conduct

The Division may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action based upon its findings of dishonorable, unethical, or unprofessional conduct likely to deceive, defraud, or harm the public pursuant to Section 60(a)(9) of the Act, which includes but is not limited to, the following acts or practices:

- a) Engaging in conduct demonstrating a willful disregard for the health, welfare, or safety of a client. Actual injury need not be established.
- b) Engaging in behavior that violates professional boundaries (such as signing wills or other documents not related to client health care).
- c) Engaging in sexual conduct with a client or conduct that may reasonably be interpreted by a client as sexual, or behavior that is sexually harassing to a client, including any verbal behavior that is sexual harassing.
- d) Demonstrating actual or potential inability to practice with reasonable skill, safety, or judgment by a reason of illness, use of alcohol, drugs, chemicals, or any other material or as a result of any mental or physical condition.
- e) Misrepresenting educational background, training, credential, or competence.
- f) Practicing, condoning, facilitating, collaborating with or engaging in discrimination based on sex, age, culture, disability, ethnicity, race, religion, gender, gender identity, sexual orientation, marital status/partnership, language preference, socioeconomic status, or any basis prescribed by law.
- g) Revealing facts, data, or information relating to a client, except as allowed under the Mental Health and Developmental Disabilities Confidentiality Act [405 ILCS 5] or any other federal or State law.
- h) Failing to take appropriate steps to protect the privacy of a client and avoid unnecessary disclosures of confidential information. The right to privacy belongs to clients and may be waived. A written waiver shall be signed by the client and the information revealed shall be in accordance with the terms of the waiver.
- i) Submission of fraudulent claims for services to any person or entity including, but

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not limited to, health insurance companies or health service plans or third-party payors.

- j) Any violation of or failure to conform to the Behavior Analyst Certification Board's (7950 Shaffer Parkway, Littleton, CO 80127) 2020 "The Ethics Code for Behavior Analysts" effective date, January 1, 2022 with no later amendments or editions, which is hereby incorporated by reference. The 2020 Ethics Code for Behavior Analysts can be found at <https://www.bacb.com/wp-content/uploads/2022/01/Ethics-Code-for-Behavior-Analysts-240201-a.pdf>.

Section 1376.75 Applicant and Licensee Address of Record, Email Address of Record, and/or Licensee Change of Name Information

All applicants and licensees shall:

- a) *provide a valid address and email address to the Division, which shall serve as the address of record and email address of record, respectively, at the time of application for licensure or renewal of a license; and*
- b) *inform the Division of any change of address of record or email address of record within 14 days after such change either through the Division's website or by contacting the Department's licensure maintenance unit. (Section 15 of the Act)*

Section 1376.80 Granting Variances

The Director may grant variances from this Part in individual cases when the Director finds that:

- a) The provision from which the variance is granted is not statutorily mandated;
- b) No party will be injured by the granting of the variance; and
- c) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

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NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Contraceptive Coverage
- 2) Code Citation: 50 Ill. Adm. Code 2014
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
2014.10	New Section
2014.20	New Section
2014.30	New Section
2014.40	New Section
- 4) Statutory Authority: Implementing Section 356z.4 of the Illinois Insurance Code [215 ILCS 5], Section 5-3 of the Health Maintenance Organization Act [215 ILCS 125], Sections 3009 and 4003 of the Limited Health Service Organization Act [215 ILCS 130], and Section 10 of the Voluntary Health Services Plans Act [215 ILCS 160] and authorized by Section 401 of the Illinois Insurance Code.
- 5) Effective Date of Rule: May 22, 2024
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes, in the definitions of: "Accident and health insurance"; "Code"; "Excepted benefits"; "Health care plan"; "Health insurance issuer"; "Limited health care plan"; "Short-term, limited-duration health insurance coverage"; and "Voluntary health services plan".
- 8) A copy of the Adopted Rule, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 48 Ill. Reg. 2033; February 9, 2024
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Differences between proposal and final version: In the 4th line of Section 2014.20, changed "rule" to "Part".
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The rule will clarify the requirements for coverage of contraceptives that are available over the counter (OTC). Health insurers will be prohibited from requiring a prescription to cover OTC contraceptives.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Ryan Gillespie
Chief Deputy Director of Product Lines
Department of Insurance
320 West Washington Street
Springfield, Illinois 62767-0001

(217) 558-2746
Ryan.Gillespie@Illinois.gov

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

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NOTICE OF ADOPTED RULES

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER Z: ACCIDENT AND HEALTH INSURANCEPART 2014
CONTRACEPTIVE COVERAGE

Section	
2014.10	Purpose
2014.20	Applicability
2014.30	Definitions
2014.40	Contraceptive Coverage

AUTHORITY: Implementing Section 356z.4 of the Illinois Insurance Code [215 ILCS 5], Section 5-3 of the Health Maintenance Organization Act [215 ILCS 125], Sections 3009 and 4003 of the Limited Health Service Organization Act [215 ILCS 130], and Section 10 of the Voluntary Health Services Plans Act [215 ILCS 165], and authorized by Section 401 of the Illinois Insurance Code.

SOURCE: Former Part repealed at 38 Ill. Reg. 2211, effective January 2, 2014; new Part adopted at 48 Ill. Reg. 8381, effective May 22, 2024.

Section 2014.10 Purpose

The purpose of this Part is to clarify the requirements for health insurance coverage of over-the-counter contraceptive drugs, devices, and products.

Section 2014.20 Applicability

For policies, contracts, and certificates issued, delivered, amended, or renewed on or after January 1, 2025, except for excepted benefits, short-term, limited-duration health insurance coverage, Medicare Advantage plans, and coverage under the medical assistance program in the Illinois Public Aid Code [305 ILCS 5], this Part applies to all individual and group accident and health insurance, health care plans, limited health care plans, and voluntary health services plans, including pharmaceutical-only policies, contracts, and certificates.

Section 2014.30 Definitions

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"Accident and health insurance" has the meaning ascribed in Section 4, Class 1(b) and 2(a) of the Code.

"Code" means the Illinois Insurance Code [215 ILCS 5].

"Excepted benefits" has the meaning ascribed in the following federal regulations:

For individual health insurance coverage, 45 CFR 148.220 (May 14, 2020) (no later editions or amendments); and

For group health insurance coverage, 45 CFR 146.145(b) (Oct. 31, 2016) (no later editions or amendments).

"Health care plan" has the meaning ascribed in Section 1-2(7) of the Health Maintenance Organization Act [215 ILCS 125].

"Health insurance issuer" has the meaning ascribed in Section 5 of the Health Insurance Portability and Accountability Act [215 ILCS 97].

"Limited health care plan" has the meaning ascribed in Section 1002 of the Limited Health Service Organization Act [215 ILCS 130].

"Short-term, limited-duration health insurance coverage" has the meaning ascribed in Section 5 of the Short-Term, Limited-Duration Health Insurance Coverage Act [215 ILCS 190].

"Voluntary health services plan" has the meaning ascribed in Section 2 of the Voluntary Health Services Plans Act [215 ILCS 165].

Section 2014.40 Contraceptive Coverage

- a) A covered individual must not be required to have a prescription for over-the-counter contraceptive drugs, devices, and products as a condition for coverage to apply.
- b) Health insurance issuers with any policy, contract, or certificate subject to Section 2014.20 are prohibited from requiring a prescription as a condition to cover over-the-counter contraceptives. Coverage as written and in operation must include over-the-counter contraceptive drugs, devices, and products in compliance with

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Section 356z.4(a) of the Code.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Numbers: Adopted Actions:
 1030.25 Amendment
 1030.90 Amendment
- 4) Statutory Authority: Implementing and authorized by the General Not for Profit Corporation Act of 1986 [805 ILCS 105].
- 5) Effective Date of Rule: May 24, 2024
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the Adopted Rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 48 Ill. Reg. 3092; March 1, 2024
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Differences between Proposal and Final Version: All references to "applicant" were changed to "driver". In subsection 1030.90(b), each of #1 through #3, we added "in the Issuance of a Driver's License Only" and in #4, we added "in the Issuance of a Driver's License or an Identification Card".
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
1030.1	Amendment	48 Ill. Reg. 5082; March 29, 2024
1030.5	Amendment	48 Ill. Reg. 5082; March 29, 2024

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1030.6	Repealed	48 Ill. Reg. 5082; March 29, 2024
1030.7	Repealed	48 Ill. Reg. 5082; March 29, 2024
1030.8	Amendment	48 Ill. Reg. 5082; March 29, 2024
1030.65	Amendment	48 Ill. Reg. 5082; March 29, 2024
1030.75	Amendment	48 Ill. Reg. 5082; March 29, 2024
1030.80	Amendment	48 Ill. Reg. 5082; March 29, 2024
1030.85	Amendment	48 Ill. Reg. 5082; March 29, 2024
1030.89	Amendment	48 Ill. Reg. 5082; March 29, 2024
1030.115	Amendment	48 Ill. Reg. 5082; March 29, 2024
1030.Appendix A	Amendment	48 Ill. Reg. 5082; March 29, 2024
1030.Appendix B	Amendment	48 Ill. Reg. 5082; March 29, 2024
1030.Appendix C	Repealed	48 Ill. Reg. 5082; March 29, 2024
1030.1	Amendment	48 Ill. Reg. 7994; May 31, 2024
1030.70	Amendment	48 Ill. Reg. 7994; May 31, 2024
1030.92	Amendment	48 Ill. Reg. 7994; May 31, 2024

15) Summary and Purpose of Rulemaking: This rulemaking updates and clarifies the process by which individuals may remotely renew a driver's license and identification card. The update to 1030.90 reflects a prior change to 1030.25 which allowed drivers to renew via Safe Driver Renewal two consecutive times instead of once.

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

Pamela Wright
 Rules Coordinator
 Office of the Illinois Secretary of State
 298 Howlett Building
 Springfield, IL 62756

(217) 785-3094
 pwright@ilsos.gov

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1030
ISSUANCE OF LICENSES

Section	
1030.1	Definitions
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- 1030.APPENDIX B Acceptable Identification Documents – Applicants for a Standard Identification Card, Driver's License, Instruction Permit, Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a) or Visa Status Temporary Visitor's Instruction Permit (Non-Real ID)

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1030.APPENDIX C Acceptable Identification Documents – Applicants for a Non-Visa Status Temporary Visitor's Driver's License or Non-Visa Status Temporary Visitor's Instruction Permit Pursuant to IVC Section 6-105.1(a-5)

1030.APPENDIX D Acceptable Identification Documents – Applicants for a Real ID Compliant Driver's License or Identification Card

AUTHORITY: Implementing Ch. 6, Article I and authorized by Section 2-104(b) of the Illinois Vehicle Code [625 ILCS 5], and the rulemaking authority established by 625 ILCS 5/6-521.

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

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February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563,

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effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at 34 Ill. Reg. 15418, effective September 22, 2010; amended at 34 Ill. Reg. 19071, effective November 22, 2010; amended at 35 Ill. Reg. 2197, effective January 21, 2011; amended at 35 Ill. Reg. 4692, effective March 3, 2011; amended at 35 Ill. Reg. 19664, effective November 23, 2011; amended at 36 Ill. Reg. 3924, effective February 27, 2012; amended at 36 Ill. Reg. 7255, effective April 26, 2012; amended at 36 Ill. Reg. 14755, effective September 18, 2012; amended at 37 Ill. Reg. 7776, effective May 22, 2013; amended at 37 Ill. Reg. 14176, effective September 1, 2013; amended at 37 Ill. Reg. 19342, effective November 28, 2013; amended at 38 Ill. Reg. 7946, effective March 28, 2014; emergency amendment at 38 Ill. Reg. 8429, effective April 4, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 12515, effective July 1, 2014; amended at 38 Ill. Reg. 16366, effective July 21, 2014; amended at 38 Ill. Reg. 20039, effective October 1, 2014; amended at 39 Ill. Reg. 1182, effective January 5, 2015; amended at 39 Ill. Reg. 5083, effective March 23, 2015; amended at 39 Ill. Reg. 8028, effective May 21, 2015; amended at 39 Ill. Reg. 11531, effective July 28, 2015; amended at 39 Ill. Reg. 14930, effective October 29, 2015; amended at 40 Ill. Reg. 1882, effective January 12, 2016; amended at 40 Ill. Reg. 7330, effective May 2, 2016; amended at 40 Ill. Reg. 13637, effective September 19, 2016; amended at 40 Ill. Reg. 15397, effective October 26, 2016; amended at 41 Ill. Reg. 438, December 29, 2016; amended at 41 Ill. Reg. 3009, effective February 24, 2017; amended at 41 Ill. Reg. 13665, effective October 30, 2017; amended at 42 Ill. Reg. 1886, effective January 3, 2018; amended at 42 Ill. Reg. 2891, effective January 29, 2018; amended at 42 Ill. Reg. 4969, effective March 5, 2018; amended at 42 Ill. Reg. 11499, effective June 8, 2018; amended at 42 Ill. Reg. 20548, effective October 30, 2018; amended at 43 Ill. Reg. 3724, effective March 4, 2019; amended at 43 Ill. Reg. 5322, effective April 24, 2019; amended at 44 Ill. Reg. 2041, effective December 31, 2019; emergency amendment at 44 Ill. Reg. 5477, effective March 16, 2020, for a maximum of 150 days; emergency amendment at 44 Ill. Reg. 5839, effective March 17, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 6650, effective April 9, 2020, for the remainder of the 150 days; emergency amendment at 44 Ill. Reg. 10011, effective May 21, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 16818, effective September 29, 2020; emergency amendment effective March 17, 2020, as amended April 9, 2020, repealed at 44 Ill. Reg. 11603, effective June 30, 2020; emergency amendment at 44 Ill. Reg. 11898, effective June 30, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 13823, effective August 7, 2020, for the remainder of the 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 16534, effective September 22, 2020, for the remainder of the 150 days; amended at 44 Ill. Reg. 12607, effective July 7, 2020; amended at 44 Ill. Reg. 16818, effective September 29, 2020; amended at 44 Ill. Reg. 18951, effective November 19, 2020; amended at 45 Ill. Reg. 732, effective December 23, 2020; emergency amendment at 45 Ill. Reg. 5450, effective April 8, 2021 for a maximum of 150 days; emergency expired September 4, 2021; amended at 45 Ill. Reg. 6062, effective April 23, 2021; emergency amendment at 45 Ill. Reg. 9197, effective July 2, 2021, for a maximum of 150 days;

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amended at 45 Ill. Reg. 9472, effective July 7, 2021; amended at 45 Ill. Reg. 13406, effective October 5, 2021; amended at 45 Ill. Reg. 15086, effective November 9, 2021; emergency amendment at 46 Ill. Reg. 554, effective December 17, 2021, for a maximum of 150 days; emergency amendment to emergency rule at 46 Ill. Reg. 1377, effective January 3, 2022, for the remainder of the 150 days; emergency amendment to emergency rule at 46 Ill. Reg. 2156, effective January 19, 2022, for the remainder of the 150 days; emergency amendment to emergency rule at 46 Ill. Reg. 5603, effective March 21, 2022, for the remainder of the 150 days; emergency rule as amended expired May 15, 2022; emergency amendment at 46 Ill. Reg. 6998, effective April 22, 2022, for a maximum of 150 days; amended at 46 Ill. Reg. 7823, effective April 27, 2022; amended at 46 Ill. Reg. 9093, effective May 23, 2022; emergency amendment at 46 Ill. Reg. 14087, effective July 21, 2022, for a maximum of 150 days; amended at 46 Ill. Reg. 16402, effective September 15, 2022; amended at 46 Ill. Reg. 19214, effective November 15, 2022; emergency amendment at 47 Ill. Reg. 268, effective December 20, 2022 for a maximum of 150 days; amended at 47 Ill. Reg. 189, effective December 21, 2022; emergency amendment at 47 Ill. Reg. 1547, effective January 13, 2023, for a maximum of 150 days; amended at 47 Ill. Reg. 7791, effective May 17, 2023; emergency amendment at 47 Ill. Reg. 14580, effective September 26, 2023, for a maximum of 150 days; amended at 47 Ill. Reg. 17529, effective November 7, 2023; amended at 48 Ill. Reg. 2268, effective January 25, 2024; amended at 48 Ill. Reg. 5751, effective April 1, 2024; amended at 48 Ill. Reg. 6080, effective April 5, 2024; amended at 48 Ill. Reg. 8386, effective May 24, 2024.

Section 1030.25 Safe Driver License Renewals and Remote Renewals of Driver's Licenses and Identification Cards

- a) The Department may remotely renew~~centrally issue~~ a driver's license or identification card of a person~~renewal to an applicant~~ who is not otherwise ineligible for a driver's license or identification card and meets the eligibility criteria for renewal as set forth in this Section~~through the Safe Driver Renewal Program~~. Eligible applicants are mailed a renewal~~sent a Safe Driver Renewal~~ notice indicating current eligibility for remote renewal~~the program, by mail~~, approximately 90 days prior to the expiration of their current driver's license or identification card.
- b) Safe Driver Renewal applicants. Drivers whose driving records are devoid of any convictions of traffic violations or evidence of committing an offense for which mandatory revocation would be required upon conviction pursuant to Section 6-205 of the IVC [625 ILCS 5/6-109(c)] may renew their driver's license ~~by making application~~ by mail, Internet, or telephone. Drivers~~Applicants~~ who are no longer eligible due to a change in their driving record will be denied at time of

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application through the Internet and telephone and shall be instructed to appear at a driver's license facility. ~~Drivers~~Applicants who are no longer eligible at time of renewal who have submitted the application by mail will have their application and fee returned, with the reason of ineligibility, and shall be directed to appear at a driver's license facility.

- c) A driver is not eligible for Safe Driver Renewal if any of the following apply:
- 1) The driver is the holder of a Commercial Driver's License;
 - 2) The driving record contains a withdrawal action;
 - 3) The driver is under the age of 21~~22~~ or greater than the age of 78~~74~~;
 - 4) The driver's license has been expired over one year, ~~excluding any extensions due to Covid-19~~;
 - 5) The driver's last two renewals were completed remotely~~through the Safe Driver Renewal or online renewal program~~;
 - 6) The driver's license expiration is greater than one year;
 - 7) The driver is required to submit a medical or vision specialist report;
 - 8) The driving record contains a conviction;
 - 9) The driver holds a school bus driver permit;
 - 10) The driving record contains a disposition of court supervision;
 - 11) The driving record indicates the driver has been involved in a property damage, personal injury, or fatal accident;
 - 12) The driver holds a restricted local license;
 - 13) The driver is less than 26 years of age and has not met a Selective Service obligation;

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- 14) The driver is authorized to be in the United States temporarily and must submit updated documentation allowing the driver's continued presence in the United States~~The driver holds a visa status Temporary Visitor's Driver's license;~~
 - 15) The driver's social security number has not been verified through the Social Security On-line Verification System, if the driver has a social security number;
 - 16) The driver must meet the reporting requirements of the Sex Offender Registration Act;
 - 17) The driver's file does not contain a suitable image.
 - 18) The driver is 74 years of age or older and holds a drivers' license with a J50 or J51 restriction.
- d) Online Renewal of Driver's License
Drivers who are required to take a written test at every other renewal may renew a drivers' license online at the renewal where the written test is not required. A driver is not eligible for online driver's license renewal if any of the following apply:
- 1) The driver holds a Commercial Driver's License with a hazardous materials endorsement;
 - 2) The driver is under the age of 21 or greater than the age of 78;
 - 3) The driver's license has been expired over one year;
 - 4) The driver's last renewal was completed remotely;
 - 5) The driver's license expiration is greater than one year;
 - 6) The driver is required to submit a medical or vision specialist report;
 - 7) The driver holds a school bus driver permit;

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- 8) The driving record contains a notation that the driver has been involved in a property damage, personal injury, or fatal crash;
 - 9) The driver holds a restricted local license;
 - 10) The driver is less than 26 years of age and has not met a Selective Service obligation;
 - 11) The driver is authorized to be in the United States temporarily and must submit updated documentation allowing the driver's continued presence in the United States;
 - 12) The driver's social security number has not been verified through the Social Security Online Verification System, if the driver has a social security number;
 - 13) The driver must meet the reporting requirements of the Sex Offender Registration Act; or
 - 14) The driver's file does not contain a suitable image.
 - 15) The driver is 74 years of age or older and holds a driver's license with a J50 or J51 restriction.
- e) Online Renewal of an Identification Card
Holders of an Illinois Identification Cards may renew the identification card online if none of the following conditions apply:
- 1) The applicant is under the age of 21 and greater than the age of 64;
 - 2) The identification card has been expired for more than one year;
 - 3) The identification card is suspended, revoked, or cancelled;
 - 4) The applicant holds a homeless person ID card;
 - 5) The applicant holds a person with a disability ID card;

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- 6) The applicant is authorized to be in the United States temporarily and must submit updated documentation allowing the applicant's continued presence in the United States;
 - 7) The applicant's social security number has not been verified through the Social Security Online Verification System, if the applicant has a social security number;
 - 8) The applicant's file does not contain a suitable image; or
 - 9) The applicant's address has changed since the identification card was issued or renewed, whichever is most recent.
 - 10) The applicant's last two identification card renewals were completed remotely.
- f~~d~~) By submission of a remote renewal~~Safe Driver Renewal~~ application for a driver's license, the driver affirms that:
- 1) The driver has not been issued corrective lenses (eyeglasses/contacts) for driving since the last renewal.
 - 2) The driver's license or privilege to obtain a license is not suspended, revoked, cancelled, or refused in this or any other state.
 - 3) The driver does not presently hold a valid driver's license or identification card in any other state.
 - ~~4) The driver's license is not being held by a court in lieu of bail.~~
 - ~~45) The driver does not have any condition that might cause a temporary loss of consciousness.~~
 - ~~56) The driver has no mental or physical condition that might interfere with safe driving.~~
 - ~~67) The driver does not use any drugs, including prescription medication, or alcohol to an extent that they impair driving ability.~~

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- ~~78~~) A court has not found the driver to have a mental disability or disease, or a court has not committed the driver to a mental health facility within the last four years.
- ~~89~~) The driver's legal name or gender has not changed.
- ~~g~~) By submission of an online renewal application for an identification card, the applicant affirms that:
- 1) The applicant's legal name or gender has not changed; and
 - 2) The applicant's does not currently hold a valid driver's license or identification card in any other state.
- ~~he~~) The fees collected for the ~~renewal~~~~issuance~~ of a driver's license or identification card shall be in accordance with IVC Section 6-118 or Section 12 of the Illinois Identification Card Act [15 ILCS 335] except that a processing fee will be charged by the service provider for applications received by telephone and Internet.
- ~~if~~) If the renewal applicant does not receive the driver's license or identification card by mail, the applicant may be issued one duplicate driver's license or identification card, at no fee, provided an application for a duplicate is filed within 90 days after the date of the renewal application and the driver's license or identification card was not returned to the Department as undeliverable. If ~~the renewed~~~~a centrally issued~~ driver's license or identification card is not returned to the Department by the U.S. Post Office as undeliverable, the applicant shall be required to appear at a driver services facility with one form of proof of residence address as outlined in Appendix B. The applicant shall be charged the fee for a corrected license or identification card as set forth in IVC Section 6-118 or Section 12 of the Illinois Identification Card Act if a change is required upon submission of the residence address documents.

(Source: Amended at 48 Ill. Reg. 8386, effective May 24, 2024)

Section 1030.90 Requirement for Photograph and Signature of Licensee on a Driver's License or Identification Card

- a) Application

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Every driver's license issued pursuant to IVC Section 6-110 and identification card issued pursuant to Section 4 of the Illinois Identification Card Act shall include, as an integral part of the license or card, a head and shoulder, full-faced color photograph of the applicant~~driver~~ to whom the driver's license or identification card is being issued. A full-faced photograph must be taken without any obstruction of the applicant's facial features or any items covering any portion of the face. Prescription glasses may be allowed. The driver's license or identification card shall be a photographically generated document that also includes the required information pertaining to the applicant~~driver~~, the applicant's~~driver's~~ signature, and other special security features to reduce the possibility of alteration ~~and/or~~ illegal reproduction. The driver's license or identification card must utilize a photograph taken of the driver at a Driver Services Facility that is produced by equipment specifically designed for this purpose. The photograph and signature must be updated at least every 12 years for a driver's license and at least every 15 years for an identification card unless the applicant for either holds a military deferral certificate or civilian employee deferral card issued by the Department~~The driver's license must utilize a photograph and signature updated at least every 8 years, unless the driver holds a military deferral certificate or civilian employee deferral card issued by the Department.~~

b) Exceptions

Exceptions may be made in the best interest of individual Illinois drivers or identification card holders as follows:

1) Established Religious Convictions in the Issuance of a Driver's License Only

- A) A driver will not be required to submit to a photograph if sufficient justification is provided by the driver to establish that a photograph would be in violation of or contradictory to the driver's religious convictions. If a driver declares that the use of a photograph is against the driver's~~his/her~~ religious convictions, the driver will be given an Affidavit to be completed. This Affidavit contains designated areas for a detailed written explanation of the reasons why a photograph is against the driver's religious convictions, a place for the driver's signature and date, the designation of the religious sect or denomination involved, space for a minister or other religious leader to apply a~~his/her~~ signature attesting to the

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explanation the driver has offered, along with the date and official title of the minister or religious leader.

- B) The Affidavit shall be forwarded by the driver to the Driver Services Department Central Office in Springfield where a review and a decision will be made by the Director of the Driver Services Department relative to the issuance or non-issuance of a valid driver's license without photograph. To assist the Director in this decision, a committee of three administrative personnel will be appointed by the Director. Each Affidavit will be reviewed by each member of the committee, and each individual recommendation will be made to the Director for his final decision.
 - C) A non-photo temporary driver's license, not to exceed 90 days in duration, shall be issued to allow for driving privileges during the interim period while the Affidavit will be reviewed and a decision will be made by the Director.
 - D) Upon approval by the Director, a valid driver's license without a photograph will be issued from the Central Office utilizing an application signed by the driver. The driver's license will be mailed to the driver's home address.
- 2) Facial Disfigurements [in the Issuance of a Driver's License Only](#)
- A) When a driver requests a driver's license without a photograph because the driver states that it is embarrassing or distasteful to submit to a photograph because of a facial disfigurement caused by disease, trauma or congenital condition, the requirement of a photograph may be waived. The Supervisor of the Driver Services Facility in which the driver appears shall make a decision, based upon the extent of the facial disfigurement, regarding the issuance of a driver's license without a photograph. Should the Supervisor approve the issuance of a driver's license without a photograph, the driver's license will be issued from the Central Office utilizing an application signed by the driver. The driver's license will be mailed to the driver's home address.
 - B) Should the Supervisor not approve the issuance of a driver's

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license without a photograph, the Supervisor will forward a written statement from the driver, along with a statement from the Supervisor providing detailed information to the Director of the Driver Services Department regarding the extent of the disfigurement and the Supervisor's justification for disapproval. The Director of the Driver Services Department may obtain further information ~~and/or~~ professional opinions to support an objective decision regarding whether a valid driver's license without the photograph may be issued.

- C) A non-photo temporary driver's license, not to exceed 90 days in duration, shall be issued to allow driving privileges during the interim period while the driver's license is being issued, or the statements relating to disapproval are being reviewed and a decision is being made.
- D) Upon approval by the Director, a valid driver's license without a photograph will be issued from the Central Office utilizing an application signed by the driver. The driver's license will be mailed to the driver's home address.

3) Out-of-State in the Issuance of a Driver's License Only

- A) Drivers who are temporarily residing outside the State of Illinois ~~and/or~~ who are temporarily absent from the State at the expiration date of the driver's license may apply for a valid driver's license without photograph and signature because of their inability to appear at an Illinois Driver Services Facility. If an Illinois driver declares, in writing, that the driver ~~he/she~~ is out-of-state at the time the driver's license must be renewed; and submits this information with the properly completed application and renewal fee, a driver's license may be issued without the driver's photograph and signature.
- B) The driver ~~However, the driver will be informed that he/she~~ must appear at a Driver Services Facility within 45 days ~~after~~ upon returning to Illinois and exchange this valid driver's license without photograph and signature for a driver's license containing the driver's photograph and signature. This replacement driver's

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license is issued without additional charge to the driver. If the driver does not return to Illinois and obtain a replacement driver's license with the photograph and signature, the driver's license without the photograph and signature may not be renewed upon expiration unless the driver submits an affidavit attesting to the fact that he/she has not returned to the State of Illinois during the term of the driver's license without the photograph and signature.

- C) A non-photo temporary driver's license may be issued to those drivers who plan to return to Illinois within a 90-day period. If a driver's license renewal examination is required, this examination must be taken and will not be waived. In those cases in which reciprocal agreements exist with driver's licensing entities in other jurisdictions, the Illinois examination shall be administered by a qualified representative of the jurisdiction, and the results reported to and accepted by the Illinois Department.

4) Religious Head Coverings in the Issuance of a Driver's License or an Identification Card

- A) The wearing of religious head coverings for the photograph shall be allowed if the head covering does not cover any area of the open face and if the applicant~~driver~~ signs a declaration stating that his/her sincerely held religious belief requires the person to wear an unconcealed religious head covering when in public, that in observation and exercise of the applicant's religious beliefs, the applicant does not normally remove the religious head covering in public unless removal is necessary, at the applicant's discretion, and that the applicant does not remove the head covering in public as a matter of courtesy or protocol, such as when in court.
- B) An applicant~~A driver~~ who meets the requirements of subsection (b)(4)(A) will be given a declaration to be signed. In addition to the statements in subsection (b)(4)(A), the declaration shall include the following:
- i) The applicant's name, address, and driver's license or identification card number;

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- ii) The language "Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this declaration are true and correct."; and
 - iii) A place for the applicant's~~driver's~~ signature and date.
- e) ~~TVDL applicants or holders are not eligible for an exception under subsection (b)(3).~~
- cd) Hearings
Should the Director deny the issuance of a driver's license or identification card without a photograph ~~and~~/or signature, the individual may appeal that decision by requesting in writing a hearing pursuant to IVC Section 2-118.

(Source: Amended at 48 Ill. Reg. 8386, effective May 24, 2024)

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- 1) Heading of the Part: Illinois Safety Responsibility Law
- 2) Code Citation: 92 Ill. Adm. Code 1070
- 3) Section Number: 1070.20 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/Ch. 7].
- 5) Effective Date of Rule: May 24, 2024
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the Adopted Rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 47 Ill. Reg. 18974; December 26, 2023
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Differences between proposal and final version:

In the Definitions Section, "Illinois Insurance Guarantee Fund" name and definition was changed to ""Illinois Insurance Guaranty Fund" – Article XXXIV of the Illinois Insurance Code [215 ILCS 5] that deals with disposition of assets following bankruptcy."

In the Definitions Section, ""Motor Vehicle Liability Policy" – "owner's policy" or an "operator's policy" of liability insurance that is certified pursuant to Section 7-315 or 7-316, comports with Section 1-164.5 of the IVC, and complies with the requirements of Section 7-317(b), (c), (d) and (f) of the IVC" was changed to ""Owner's policy" or an "operator's policy" – a policy of liability insurance that is certified pursuant to Section 7-315 or 7-316 of the IVC, comports with Section 1-164.5 of the IVC, and complies with the requirements of Section 7-317(b), (c), (d) and (f) of the IVC.

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In the definition of "Real Estate Bond", after "proof", we added "of financial responsibility".

Various small word changes to allow for better flow and ease of the reader.

In subsection 1070.20(c), we added clarification that the Department will notify a person of the non-operation. In addition, "Guarantee" was changed to "Guaranty".

In subsection 170.20(g), the first sentence was deleted as redundant.

In subsection 1070.20(h), "that violation shall be reported" was deleted and after "subsection," "the Department shall report that violation" was added.

In subsection 1070.20(h), "Financial and Professional Regulation – Division of" was deleted.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This new section authorizes the Secretary of State to extend, for the duration of the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-038 and Executive Order 2020-39, filing deadlines for materials required to be filed with the Secretary of State, suspends the Secretary's requirement to reply to filings within 10 days, and suspends the Secretary's requirement to expedite those filings upon request. SOS will continue to process all documents and requests for expedited services in a timely manner and expeditiously as possible.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Secretary of State
Pamela Wright
298 Howlett Building
Springfield, IL 62756

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(217) 785-3094
pwright@ilsos.gov

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

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1070
ILLINOIS SAFETY RESPONSIBILITY LAW

Section

1070.10	Forms of Security
1070.20	Future Proof
1070.30	Installment Agreements
1070.40	Disposition of Security
1070.50	Failure to Satisfy Judgment
1070.60	Release From Liability
1070.70	Incomplete Unsatisfied Judgment
1070.75	Post-Unsatisfied Judgment Action
1070.80	Driver's License Restriction for Exclusive Operation of Commercial Vehicles
1070.90	Dormant and Dead Judgments
1070.100	Bankruptcy
1070.110	Illinois Safety and Family Financial Responsibility Law
1070.120	Nonresidents and Former Residents; When Proof Not Required

1070.Appendix A Post-Unsatisfied Judgment Action Form

AUTHORITY: Implementing and authorized by the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/Ch. 7].

SOURCE: Filed and effective December 17, 1971; codified at 6 Ill. Reg. 12674; repealed at 7 Ill. Reg. 13678, effective October 14, 1983; New Part adopted at 11 Ill. Reg. 20215, effective November 30, 1987; amended at 14 Ill. Reg. 6859, effective April 24, 1990; amended at 14 Ill. Reg. 10107, effective June 12, 1990; amended at 15 Ill. Reg. 15083, effective October 8, 1991; amended at 16 Ill. Reg. 2172, effective January 24, 1992; amended at 17 Ill. Reg. 8517, effective May 27, 1993; amended at 18 Ill. Reg. 10909, effective June 28, 1994; amended at 20 Ill. Reg. 398, effective December 20, 1995; amended at 20 Ill. Reg. 7956, effective May 30, 1996; amended at 24 Ill. Reg. 1672, effective January 14, 2000; emergency amendment at 27 Ill. Reg. 14361, effective August 20, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18458, effective November 24, 2003; emergency amendment at 30 Ill. Reg. 7974, effective April 14, 2006, for a maximum of 150 days; emergency expired September 11, 2006; amended at 30 Ill. Reg. 6392, effective April 12, 2007; amended at 32 Ill. Reg. 16507, effective September 25, 2008; amended at 32 Ill. Reg. 19163, effective November 25, 2008; amended at 35 Ill. Reg.

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1790, effective January 13, 2011; amended at 36 Ill. Reg. 5575, effective March 26, 2012; amended at 37 Ill. Reg. 3319, effective February 28, 2013; amended at 38 Ill. Reg. 6119, effective February 27, 2014; amended at 38 Ill. Reg. 20054, effective October 1, 2014; amended at 42 Ill. Reg. 16552, effective August 23, 2018; amended at 46 Ill. Reg. 4091, effective February 25, 2022; amended at 48 Ill. Reg. 8404, effective May 24, 2024.

Section 1070.20 Future Proof

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

"Certificate of Insurance" – certificate ~~electronically transmitted to~~filed with the Secretary of State's Office as proof that the person has purchased financial responsibility insurance as outlined in ~~IVC~~-Section 7-315 of the IVC.

"Department" – Department of Driver Services of the Office of the Secretary of State.

"Financial Responsibility Insurance" – insurance used to establish proof of financial responsibility as established in ~~IVC~~-Sections 7-315 and 7-316 of the IVC.

"Illinois Insurance ~~Guaranty~~Guarantee Fund" – ~~Article XXXIV~~section of the Illinois ~~Department of Insurance~~ Code [215 ILCS 5] ~~that~~which deals with disposition of assets following bankruptcy.

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

"Law" – the Illinois Safety and Family Financial Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 7].

"Lien" – claim on property of another as security for payment of a just debt.

~~"Motor Vehicle Liability Policy"~~ – "Owner's~~owner's~~ policy" or an "operator's policy" – a policy of liability insurance that is certified pursuant to ~~IVC~~-Section 7-315 or 7-316 of the IVC, comports with ~~IVC~~-Section 1-164.5 of the IVC, and complies with the requirements of ~~IVC~~-Section 7-317(b), (c), (d) and (f) of the IVC.

"Proof of Financial Responsibility for the Future" – ability to respond in damages

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for any liability resulting from the ownership, maintenance, use or operation of a motor vehicle as provided in ~~IVC~~ Section 1-164.5 of the IVC.

"Real Estate Bond" – proof of financial responsibility filed pursuant to ~~IVC~~ Section 7-320 of the IVC.

~~"Secretary of State" – Secretary of State of Illinois.~~

"Stock" – proportionate share in ownership of corporation held by individual and that is usually represented by a stock certificate.

"Surety" – a person who is self-designated as ~~makes himself/herself~~ liable for another's debts or defaults of obligations.

- b) When a person purchases insurance to satisfy ~~file~~ proof of financial responsibility for the future, the insurance company shall electronically transmit ~~will file~~ a certificate of insurance to ~~with~~ the Department. The certificate ~~filed~~ shall contain ~~be either the AAMVA (American Association of Motor Vehicle Administrators) Uniform Financial Responsibility form, containing~~ the insured's name and address, driver's license number, ~~and~~ birthdate, ~~;~~ current policy number, ~~and~~ effective date of the insurance policy, ~~and~~ the name of the insurance company ~~with the signature of its authorized representative, or other certificate of insurance proof conforming to the requirements of IVC Section 7-315 or 7-316, which is endorsed and certifies policy limits as specified in IVC Section 1-164.5. If the policy is~~ an owner's, rather than operator's policy, it must include the model year, trade name, and identification number of the vehicle. The owner's policy must also conform with the amounts specified in ~~IVC~~ Section 1-164.5 of the IVC.
- c) If a person purchases a certificate of insurance to satisfy the ~~his/her~~ requirement of ~~to file~~ future proof of financial responsibility and the insurance company fails, ~~and~~ is no longer in business, ~~and~~ ceases operations by order of a court, and the Department is notified by the Illinois Insurance Guaranty ~~Guarantee~~ Fund of the non-operation of the insurance company, then the Department will notify the person of the non-operation. The ~~the~~ person shall have 30 days after notification by the Department to provide ~~file~~ a new certificate of insurance or satisfy the ~~his/her~~ future proof requirement by cash or one of the other alternate methods provided in ~~IVC~~ Section 7-314 of the IVC. If a suspension of a driver's license has been entered even though the person has provided ~~filed~~ future proof of financial responsibility within the 30-day ~~30-day~~ time period, the suspension shall

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be removed.

- d) If a person required to furnish proof of financial responsibility for the future chooses to file a bond pursuant to ~~IVC~~ Section 7-320 of the IVC, and the bond is executed by the person giving the proof and two individual sureties, the following conditions must be met:
- 1) Each surety must own real estate within the State of Illinois;
 - 2) Each surety must have equity in that real estate in the amount of the bond;
 - 3) The bond must be endorsed by the clerk of the court and approved by a judge as provided in ~~IVC~~ Section 7-320 of the IVC.
- e) If any evidence of proof of financial responsibility for the future ~~filed under the Law~~ falls below the amount required as provided in ~~IVC~~ Section 1-164.5 of the IVC, additional evidence shall be required. Cash and securities are deposited with the Illinois State Treasurer and the Treasurer monitors the securities and informs the Department if its value falls below the amount required. A certificate of insurance or bonds, real estate bonds that are without liens, stocks, and cash shall be accepted as evidence to establish the additional required proof of financial responsibility for the future. The additional security shall be sent to the Safety and Financial Responsibility Section, Department of Driver Services, 2701 South Dirksen Parkway, Springfield, Illinois 62723.
- f) Whenever any evidence of proof of ability to respond in damages required ~~by to be filed pursuant to~~ the provisions of ~~IVC~~ Section 7-301 of the IVC no longer fulfills the purpose for which required, the Department shall require other evidence of ability to respond in damages, including but not limited to an endorsed certificate of insurance meeting the requirements of ~~IVC~~ Section 1-164.5 of the IVC, bonds, unencumbered real estate bonds, stocks, or cash. The person required to post proof shall have 30 days after notification by the Department to post or ~~submit file~~ additional proof. If the person fails to post proof within 30 days, the Secretary of State shall suspend the driver's license, registration certificate, license plates, and registration sticker pending receipt of such proof.
- g) ~~Proof of Financial Responsibility as required in the Law shall be made by filing with the Secretary of State a written or electronic certificate of insurance.~~ Notices

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of cancellation or termination of the certified policy of insurance proof as required in ~~IVC~~ Sections 7-315 and 7-318 of the IV must be ~~submitted in writing or electronically~~ transmitted to the Department in a form and. ~~All written or electronic certificates of insurance proof and cancellation or termination as required in the Law must be submitted in a~~ manner satisfactory to the Secretary of State.

- h) A notice of cancellation or termination of the certified policy of insurance for nonpayment of premiums shall only be transmitted~~sent~~ to the Department~~Secretary of State~~ after the insured has failed to discharge, on or after the due date, any of the policy-holder's~~his or her~~ obligations in connection with the payment of premiums, or installments that are payable directly to the insurer, its agent, or a party that has financed the premium. In the event an insurance company violates the provisions of this subsection, the Department shall report that violation~~that violation shall be reported~~ to the Illinois Department of ~~Financial and Professional Regulation Division of~~ Insurance.
- i) ~~Proof of Financial Responsibility as required in IVC Section 7-315, and notices of cancellation or termination of the certified policy of insurance, as required in IVC Section 7-318, when submitted by paper shall be 8½" X 11" in size. The Department shall return certificates submitted incorrectly to the insurance company. Certificates will not be processed until submitted on the correct size of paper.~~

(Source: Amended at 48 Ill. Reg. 8404, effective May 24, 2024)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO EMERGENCY RULEMAKING

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

Heading of the Part: Medical Payment

Code Citation: 89 Ill. Adm. Code 140

Section Numbers: 140.Table O 140.Table P

Date Originally Published in the *Illinois Register*: 4/12/24
48 Ill. Reg. 5768

At its meeting on May 14, 2024, the Joint Committee on Administrative Rules considered the above-cited emergency rule and recommended that the Department of Healthcare and Family Services be more timely in their use of emergency rulemaking to meet statutory deadlines. Amendments to Section 35-50 of the Reimagine Public Safety Act [430 ILCS 69], effective June 7, 2023, required the Department of Healthcare and Family Services and the Department of Human Services to institute a joint background check waiver process on or before October 1, 2023, that would limit the number and type of disqualifying criminal offenses for Peer Support Workers working with Violence Prevention-Community Support Teams. Both agencies could have appropriately used emergency rulemaking to meet the October 1st deadline.

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 RULES

ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO EMERGENCY RULEMAKING

DEPARTMENT OF HUMAN SERVICES

Heading of the Part: Medicaid Community Mental Health Services Program

Code Citation: 59 Ill. Adm. Code 132

Section Numbers: 132.55 132.80

Date Originally Published in the *Illinois Register*: 4/12/24
48 Ill. Reg. 5799

At its meeting on May 14, 2024, the Joint Committee on Administrative Rules considered the above-cited emergency rule and recommended that the Department of Human Services be more timely in their use of emergency rulemaking to meet statutory deadlines. Amendments to Section 35-50 of the Reimagine Public Safety Act [430 ILCS 69], effective June 7, 2023, required the Department of Healthcare and Family Services and the Department of Human Services to institute a joint background check waiver process on or before October 1, 2023, that would limit the number and type of disqualifying criminal offenses for Peer Support Workers working with Violence Prevention-Community Support Teams. Both agencies could have appropriately used emergency rulemaking to meet the October 1st deadline.

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

2024-146**Gubernatorial Disaster Proclamation**

WHEREAS, as of August 31, 2022, the State of Illinois and City of Chicago began receiving, with little to no notice, buses sent by the State of Texas, transporting individuals and families from Central and South America seeking asylum in the United States; and,

WHEREAS, between August 31, 2022, and May 24, 2024, more than forty-two thousand individuals and families seeking asylum have arrived in Chicago and other Illinois cities from Texas with little to no notice; and,

WHEREAS, it is expected that individuals and families seeking asylum will continue to be transported to Illinois by Texas, and potentially other states, and the State and local partners will need to continue to work together to directly and indirectly fund and/or provide necessary services, including, but not limited to, supporting shelter capacity, resettlement case management, and permanent housing; and,

WHEREAS, Illinois is a welcoming state, which has long been enriched and sustained by a thriving community of immigrants, and has resettled over 125,000 refugees from more than 60 countries since 1975; and,

WHEREAS, State agencies, in close coordination with the City of Chicago and other local governments, are continuing to take action to ensure that the individuals and families arriving in Illinois receive the assistance they need, both to protect their welfare and the overall welfare of the State of Illinois and its residents; and,

WHEREAS, the asylum-seeking families and individuals who have arrived in Illinois require specific and immediate support, including emergency shelter and housing; food; health screenings, medical assessments, and treatment; case management services to assist them in addressing critical needs (including legal services and job readiness support) and benefits (potentially including benefits to Victims of Trafficking, Torture, and Other Serious Crimes (VTTC), under the Violence Against Women Act, and/or the Victims of Crime Act); enrollment in public schools; and longer-term housing and housing assistance; and,

WHEREAS, because these families and individuals are arriving after a very long and difficult journey from their homes, many of them also require medical care, including prenatal care for pregnant women; treatment for malnourishment, dehydration, and asthma in children; foot injury and wound care; vaccinations; and chronic health condition management. Many of the adults, children, and infants arriving in Illinois also are in need of mental health assessments and care to begin to recover from the trauma experienced on their journey; and,

PROCLAMATIONS

WHEREAS, the State of Illinois and many local governments throughout the State routinely engage in planning to ensure sufficient capacity to meet the needs of vulnerable populations, including families and individuals who are seeking refuge or asylum in the United States; and,

WHEREAS, families and individuals seeking asylum are arriving in Illinois with no advance notice as to when they will arrive and with no coordination with the State of Illinois or the City of Chicago, thereby contributing to the need for this proclamation; and,

WHEREAS, the State of Illinois and local governments have continued to work to meet the needs of the asylum-seeking families and individuals, both directly and by coordinating closely with non-governmental organizations and volunteers; and,

WHEREAS, the normal capacity to provide all necessary services for the health and welfare of these vulnerable families and individuals has been significantly exceeded, and immediate and continuing steps are needed to maintain the increased capacity required to meet the needs of the current asylum-seeking families and individuals; and,

WHEREAS, without urgent and ongoing action, capacity shortfalls will occur in critical services, including short-, intermediate-, and longer-term shelter and housing for the asylum-seeking families and individuals; wrap-around services such as food, health care, legal advocacy, and job readiness support; case management staff to assist in accessing other necessary services; and operational staffing required at all levels to provide these services; and,

WHEREAS, as the number of new individuals and families seeking asylum arrive in Illinois, to continue to meet the significantly increased needs for emergency shelter and housing capacity, as well as staffing and services, and to continue to prevent a threat to the health, safety, and welfare of the asylum-seeking families and individuals and communities, the State must urgently procure and maintain contracted assistance, requiring the use of the Governor's emergency powers; and,

WHEREAS, emergency steps are necessary to continue staffing the interagency and intergovernmental effort required to handle this evolving situation while ensuring that critical services for existing Illinois residents are not interrupted; and,

WHEREAS, the circumstances of the present situation give rise to a threat to the health, safety, and welfare of these vulnerable families and individuals and to the State, require immediate action, and constitute a disaster as provided in Section 4 of the Illinois Emergency Management Agency Act requiring emergency action by the State; and,

WHEREAS, due to the threat to health, safety, and welfare caused by these circumstances, I have declared all counties in the State of Illinois as a disaster area every month since September 2022; and,

PROCLAMATIONS

WHEREAS, it is the policy of the State of Illinois that the State will be prepared to address any disasters and, therefore, it is necessary and appropriate to make additional State resources available to ensure public health, safety, and welfare; and,

WHEREAS, these conditions provide legal justification under Section 7 of the Illinois Emergency Management Agency Act for the issuance of a proclamation of disaster; and,

WHEREAS, the Illinois Constitution, in Article V, Section 8, provides that "the Governor shall have the supreme executive power, and shall be responsible for the faithful execution of the laws," and states, in the Preamble, that a central purpose of the Illinois Constitution is "provide for the health, safety, and welfare of the people";

NOW, THEREFORE, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health, safety, and welfare, I, JB Pritzker, Governor of the State of Illinois, hereby proclaim as follows:

Section 1: Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a disaster exists within the State of Illinois and declare all counties in the state as a disaster area. The proclamation authorizes the exercise of all the emergency powers provided in Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, including but not limited to those specific emergency powers set forth below.

Section 2: With the Illinois Department of Human Services serving as the lead agency, State agencies, including but not limited to those listed below, are directed to continue cooperating with the Governor, as well as with other State agencies, local authorities, and the Illinois State Board of Education, and to continue coordinating with each other with respect to the development and implementation of strategies and plans to respond to the impacts of the present situation, including meeting the needs of the asylum seekers coming to Illinois: the Illinois Department of Human Services (which houses the Bureau of Refugee and Immigrant Services, the Office of Hispanic and Latino Affairs, Welcoming Centers, and employs the State Refugee Coordinator and State Chief Homelessness Officer); the Illinois Department of Public Health (which employs the State Refugee Health Coordinator); the Illinois Emergency Management Agency and Office of Homeland Security; the Illinois Department of Central Management Services; the Illinois Department of Labor; and the Illinois Department of Healthcare and Family Services.

Section 3: The Illinois Emergency Management Agency and Office of Homeland Security is directed to continue the activation of the State Emergency Operations Plan and coordination of State resources to support State agencies and local governments in disaster response and recovery operations.

PROCLAMATIONS

Section 4: To aid with emergency purchases necessary for response and other emergency powers as authorized by the Illinois Emergency Management Agency Act, the provisions of the Illinois Procurement Code and the Illinois Governmental Joint Purchasing Act that would in any way prevent, hinder, or delay necessary action in coping with the disaster are suspended to the extent they are not required by federal law. To aid with emergency grant-making necessary for response and other emergency powers as authorized by the Illinois Emergency Management Agency Act, the provisions of the Grant Accountability and Transparency Act and of the Illinois Administrative Code effectuating the same, which require State agencies to publish a notice of funding opportunity (NOFO) and to conduct a merit based application review and that would in any way prevent, hinder, or delay necessary action in coping with the disaster, are suspended to the extent they are not required by federal law. The remaining provisions of the Grant Accountability and Transparency Act remain in effect. If necessary, and in accordance with Section 7(1) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(1), the Governor may take appropriate executive action to suspend additional statutes, orders, rules, and regulations.

Section 5: Pursuant to Section 7(3) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(3), this proclamation activates the Governor's authority, as necessary, to transfer the direction, personnel, or functions of State departments and agencies or units thereof for the purpose of performing or facilitating emergency response programs.

Section 6: Pursuant to Section 7(10) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(10), this proclamation activates the Governor's authority, as necessary, to make provision for the availability and use of temporary emergency housing.

Section 7: This proclamation can facilitate a request for federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Section 8: This proclamation shall be effective immediately and remain in effect for 30 days.

Date: May 24, 2024

Filed: May 24, 2024

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 48, Issue 23 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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