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Joint Committee on Administrative Rules  
Illinois General Assembly

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Issue 1

*Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.*

## New Rules

### SCHOOLS

The STATE BOARD OF EDUCATION adopted an amendment to Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 40 Ill Reg 12896), effective 12/27/16, implementing Public Act 98-859. The rulemaking updates the web address for Brockport Physical Fitness Testing materials that are used to conduct physical fitness assessments in public schools; requires school districts to report the number, grade and gender of students who test in the healthy fitness zone and/or health risk zone for aerobic capacity; and changes the due date for annual reporting of fitness assessment data from May 1 to June 30. SBE also adopted an amendment to Charter Schools (23 IAC 650; 40 Ill Reg 12908), effective 12/27/16, implementing PA 98-1048 by removing a requirement that parties to a charter school

contract report all contract revisions to the State Superintendent. The amendment makes the change in a Section that was inadvertently omitted from an earlier rulemaking implementing the PA.

Questions/requests for copies of the 2 SBE rulemakings: Lindsay Bentivegna, SBE, 100 N. First St. S-493, Springfield IL 62777-0001, 217/782-5270.

### HERPTILE CODE

The DEPARTMENT OF NATURAL RESOURCES adopted a new Part titled Herptile Code (17 IAC 885; 40 Ill Reg 13112) effective 12/22/16. This Part establishes procedures that govern the taking, acquisition, possession, transport, disposition and commercial use of herptiles (reptiles and amphibians, e.g.,

### Proposed Rulemakings

#### CAPITOL COMPLEX

The SECRETARY OF STATE proposed amendments to Public Use of the Capitol Complex and Springfield Facilities (71 IAC 2005; 41 Ill Reg 1) concerning holiday displays, public demonstrations, operation of unmanned aircraft systems (UAS, commonly known as drones), and other issues. Special event displays in the Capitol Rotunda between Thanksgiving and New Year's Day are limited to no more than 5 at one time, on a first-come, first-served basis. Requests for a display in any calendar year may be made on or after January 2 of that calendar year. Displays must use only LED lights and secure or unbreakable decorations, and must be assembled and disassembled on State business days by the entity placing the display.

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**NEW RULES:** Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.

**PROPOSED RULES:** Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.

**PEREMPTORY RULES:** Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.

■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

**QUESTIONS/COMMENTS:** Submit mail, email or phone calls to the agency personnel listed below each summary.

**RULE TEXT:** Available on the Secretary of State ([www.cyberdriveillinois.com](http://www.cyberdriveillinois.com)) and General Assembly ([www.ilga.gov](http://www.ilga.gov)) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

# New Rules

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frogs, toads, snakes, lizards) under the Illinois Herptile Act. The rules outline seasons, possession limits and methods of taking animals; list species native to Illinois; authorize educational use; establish scientific collection and special use permits, reporting applications, reports and fees; set standards for herptile facilities; and establish suspension and revocation procedures. Changes since 1<sup>st</sup> Notice include corrections to scientific and common names of various species and clarify requirements for the supervision of boas, pythons and anacondas during educational events or in licensed pet stores. This rulemaking may affect not-for-profit groups as well as private, municipal or not-for-profit museums.

## TURKEY HUNTING

DNR also adopted an amendment to The Taking of Wild Turkeys – Spring Season (17 IAC 710; 40 Ill Reg 13527), effective 12/22/16, establishing uniform Statewide hunting season dates for the 2017 spring youth turkey hunt (March 25-26 and April 1-2 in both the northern and southern zones).

Questions/requests for copies of the 2 DNR rulemakings: Part 885, Shelley Knuppel; Part 710, Dan Nelson; DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

## ■ INSURANCE

The DEPARTMENT OF INSURANCE adopted a new Part titled Workers' Compensation Large Deductible Business (50 IAC 2909; 40 Ill Reg 5806) effective 12/27/16. The new Part implements Public Act 99-369, which concerns large deductible agreements in which the policyholder bears a risk of \$100,000 or more per claim, and applies to workers' compensation insurers with an accreditation rating below A- and having less than \$200 million in surplus. Policies with a large deductible agreement must require full collateralization of the policyholders' obligations under the agreement, with the initial collateral determined by first computing the standard premium then determining the amount by which the premium is reduced as a result of a large deductible credit, and which shall be set at the amount of the large deductible credit subject to other adjustments based on the insured's financial status, anticipated payment pattern of losses and the expected development above and below the deductible sufficient to secure the nonexempt insurer against the potential deductible reimbursement liability it is assuming. Collateral shall be adjusted at least annually. Provisions regarding collateral such as a letter or credit or surety bond are prescribed. During underwriting, a policyholder must provide an audited financial statement. The per occurrence

deductible amount cannot exceed 20% of the policyholder's net worth. Companies that have issued a large deductible agreement must file an annual disclosure statement.

DOI also repealed four Parts: Securities Valuation Reserve (50 IAC 1601; 40 Ill Reg 10352), War Clauses (50 IAC 1602; 40 Ill Reg 10355), Valuation of Reserves (50 IAC 1604; 50 Ill Reg 10359), and Legal Reserve Life Bank (50 IAC 1605; 40 Ill Reg 10362), all effective 12/27/16. These Parts implemented Article XVI of the Illinois Insurance Code, which was repealed in 2014 and 2015 by Public Acts 98-692 and 98-969. The last legal reserve life company in Illinois was dissolved in 2012.

Questions/requests for copies of the 5 DOI rulemakings: Part 2909, Joseph Clennon (217/557-1396); Parts 1601, 1602, 1604 and 1605, Chris Lelys (217/782-5226), DOI, 320 W. Washington St., Springfield IL 62767-0001.

# Proposed Rulemakings

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Demonstrations will be permitted only on the first floor of the Capitol Building; all higher floors are off limits to demonstrators and the use of whistles, bells, sirens, horns or other noisemaking or amplifying devices is prohibited. Groups conducting demonstrations must have one usher (currently, "marshal") for every 25 participants. Ushers must identify themselves to Capitol law enforcement personnel upon arrival; if they fail to do so, or do not maintain a peaceful and orderly demonstration, the group may be asked to leave. An individual or group whose past demonstrations resulted in removal, arrest or other violations of this Part may be denied a permit for a subsequent demonstration. Regarding drones, the rulemaking requires written permission from the SOS Department of Police for the operation of any UAS within the airspace of the Capitol and adjacent State buildings. The UAS operator must produce a copy of this written permission on demand of any law enforcement official. If a UAS is flown or operated over the Capitol Complex without permission, law enforcement may confiscate and hold the UAS until the Director of the SOS Police can determine the intent of the operator. The ban on weapons carrying by the public within the Capitol Complex is extended to include razors and other blade instruments, stun guns and tasers. The Director of the SOS

Police will establish weapon restrictions applicable to off-duty law enforcement, military or ceremonial personnel. The ban on smoking is extended to include vaping or use of electronic cigarettes. Bicycle riding within the Capitol Complex is permitted only in parking lots, not on sidewalks or pathways, and recreational scooter riding is prohibited. Finally, the rulemaking allows up to 2 food trucks to operate outside the SOS Driver Services headquarters at 2701 Dirksen Parkway, Springfield, between 11 a.m. and 2 p.m. on days for which they have obtained a permit from SOS. Those affected by this rulemaking include businesses and non-profit groups sponsoring demonstrations, displays or other events in the Capitol Complex.

## ■ SOS PAYMENTS

SOS also proposed amendments to Collection of Fees (92 IAC 1003; 41 Ill Reg 16), Certificates of Title, Registration of Vehicles (92 IAC 1010; 41 Ill Reg 25), Remittance Agents (92 IAC 1019; 41 Ill Reg 36) and Cancellation, Revocation or Suspension of Licenses or Permits (92 IAC 1040; 41 Ill Reg 47) updating these Parts to include electronic payments of driver's license, vehicle title, and other fees and establishing procedures for collecting dishonored electronic payments. The Part 1003 rulemaking replaces the term "check writer" with "payor" and provides that if a fee paid

electronically is rejected by the payor's credit card company or financial institution, SOS will send two notices, 30 days apart, to the payor requesting payment of the rejected fee. If the fee is not paid within 30 days of the first notice, the payor's driver's license or registration record will be flagged and the payor will not be permitted to renew the license or registration until the fee is paid. If payment has still not been made within 30 days after the second notice, the payor's driver's license will be cancelled, unless the payor has disputed the charge or the amount owed is \$5 or less. Amendments to Parts 1010, 1019 and 1040 address electronic collection of title and registration fees, fees paid by remittance agents (businesses that provide license and title services), and driver's license fees. The Part 1040 rulemaking also provides that dishonored electronic or credit card payments will be removed from a person's driving record if the driver notifies SOS that the debt will be discharged in a bankruptcy proceeding. Those affected by this rulemaking include license and title service businesses.

Questions/requests for copies/ comments on the 5 SOS rulemakings through 2/21/17: Carrie Leitner (71 IAC 2005) or Amy Williams (92 IAC 1003, 1010, 1019 and 1040), SOS, 298 Howlett Building, Springfield IL 62756, 217/785-3094, [cleitner@ilsos.net](mailto:cleitner@ilsos.net) or [awilliams3@ilsos.net](mailto:awilliams3@ilsos.net).

## Second Notices

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The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at the Committee's January 10, 2017 meeting. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

### IL COMMERCE COMMISSION

Telecommunications Access for Persons with Disabilities  
(83 IAC 755; 40 Ill Reg 8896) proposed 7/8/16

Telecommunications Relay Services (83 IAC 756; 40 Ill Reg 8939) proposed 7/8/16

Interconnection (83 IAC 790; 40 Ill Reg 8952) proposed 7/8/16

### DEPT OF STATE POLICE

Requirements for Businesses with Private Business Switch Service to Comply with the Emergency Telephone System Act (Repealer) (83 IAC 726; 40 Ill Reg 15047) proposed 11/4/16

Requirements for Non-Business Entities with Private Business Switch Service to Comply with the Emergency Telephone System Act (Repealer) (83 IAC 727; 40 Ill Reg 15603) proposed 11/4/16

Standards of Service Applicable to Wireless 9-1-1 Emergency Systems (Repealer)  
(83 IAC 728; 40 Ill Reg 15079) proposed 6/17/16

Administration of Funds Created by the Wireless Emergency Telephone Safety Act (Repealer)  
(83 IAC 729; 40 Ill Reg 15099) proposed 11/4/16

## Joint Committee on Administrative Rules

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